

No. 19-357

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IN THE  
**Supreme Court of the United States**

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CITY OF CHICAGO,

*Petitioner,*

*v.*

ROBBIN L. FULTON, JASON S. HOWARD,  
GEORGE PEAKE, AND TIMOTHY SHANNON,

*Respondents.*

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ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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**JOINT APPENDIX**

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**APPENDIX****DOCKET ENTRIES IN CASE NO. 18-2527  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

- 07/13/2018 1 Direct Bankruptcy Certification case  
(86 pgs) docketed, pursuant to 28 U.S.C.  
§ 158(d)(2)(A). [1] [6938261] [18-2527]-  
-[Edited 07/26/2018 by MM--  
CONSTRUED as a petition to file a  
direct appeal from the bankruptcy  
court per the court's 07/26/2018 or-  
der.] (JR) [Entered: 07/13/2018 04:39  
PM]
- 07/26/2018 2 ORDER re: Direct Bankruptcy Cer-  
(1 pg) tification Case Docketed Pursuant to  
28 U.S.C. § 158(d)(2)(A), CON-  
STRUED as a petition to file a direct  
appeal from the bankruptcy court.  
The petition is GRANTED. The City  
of Chicago shall pay the required ap-  
pellate fees to the clerk of the bank-  
ruptcy court within 14 days from the  
entry of this order pursuant to Fed-  
eral Rule of Appellate Procedure  
5(d)(1). SCR [2] [6941058] [18-2527]  
(MM) [Entered: 07/26/2018 04:09 PM]
- 08/06/2018 3 Appearance form filed by Attorney  
(2 pgs) Ellen W. McLaughlin for Appellant  
City of Chicago. [3] [6943112] (L-No;  
E-Yes; R-No) [18-2527] [3] [6943112]  
[18-2527]--[Edited 08/06/2018 by CD  
to reflect addition of counsel.]  
(McLaughlin, Ellen) [Entered:

08/06/2018 03:10 PM]

- 08/07/2018 Notification of fee payment from the Bankruptcy Court. Receipts #3232776 & #3233752. [6943291-2] [6943291] [18-2527] (JR) [Entered: 08/07/2018 10:24 AM]
- 08/07/2018 4 ORDER: The court has received notification that the appellate docketing fee has been paid. Accordingly, IT IS ORDERED that briefing will now proceed as follows: Appellant's brief due on or before 09/06/2018 for City of Chicago. Appellee's brief due on or before 10/09/2018 for Robbin L. Fulton. Appellant's reply brief, if any, is due on or before 10/23/2018 for Appellant City of Chicago. JR [6943409] [18-2527] (VG) [Entered: 08/07/2018 02:04 PM]
- 08/28/2018 5 ORDER: Briefing is SUSPENDED in this appeal pending further court order. SCR [5] [6948031] [18-2527] (AP) [Entered: 08/28/2018 03:51 PM]
- 09/04/2018 6 ORDER: City of Chicago v. Fulton, No. 18-2527; City of Chicago v. Howard, No. 18-2793; and City of Chicago v. Peake, No. 18-2835 are CONSOLIDATED for purposes of briefing and disposition. Briefing in the consolidated appeals shall proceed as follows: Appellant's brief due on or before 10/04/2018 for City of Chicago. Appellees' briefs due on or before 11/05/2018 for Robbin L. Fulton, Jason S. How-



ard and George Peake. Appellant's reply brief, if any, is due on or before 11/19/2018 for Appellant City of Chicago. SCR [6] [6949273] [18-2527, 18-2793, 18-2835] (MM) [Entered: 09/04/2018 03:17 PM]

- 09/04/2018 7 Original record on appeal filed electronically. Contents of record : (449 pgs) Bankruptcy Court Record [7] [6949303] [18-2835] (DRS) [Entered: 09/04/2018 04:09 PM]
- 09/04/2018 8 Filed electronic transcript of proceedings held on 06/27/2018 & 07/11/2018. [8] [6949334] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [18-2835] (DRS) [Entered: 09/04/2018 04:36 PM]
- 09/05/2018 9 Original record on appeal filed electronically. Contents of record : (230 pgs) Bankruptcy Court Record [9] [6949395] [18-2793] (DRS) [Entered: 09/05/2018 09:47 AM]
- 09/05/2018 10 Filed electronic transcript of proceedings held on 1/22/18 & 3/5/18. [10] [6949396] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [18-2793] (DRS) [Entered:

09/05/2018 09:48 AM]

- 09/18/2018 11 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Aaron M. Weinberg for Appellee Robbin L. Fulton in 18-2527 has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to: <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [11] [6952504] [18-2527, 18-2793, 18-2835] (LJ) [Entered: 09/18/2018 09:37 AM]
- 09/27/2018 12 Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835 to extend time to file appellant brief. (3 pgs) [12] [6954935] [18-2527, 18-2793, 18-2835] (McLaughlin, Ellen) [Entered: 09/27/2018 02:29 PM]
- 09/28/2018 13 Order issued GRANTING motion to extend time to file appellant's brief. (1 pg) [12] Appellant's brief due on or before 11/05/2018 for City of Chicago. Appellees' briefs due on or before 12/05/2018 for Robbin L. Fulton, Jason S. Howard and George Peake. Appellant's reply brief, if any, is due on or before

12/19/2018 for Appellant City of Chicago. CMD [13] [6955107] [18-2527, 18-2793, 18-2835] (MM) [Entered: 09/28/2018 09:24 AM]

- 10/10/2018 14 (1 pg) ORDER re: 1. City of Chicago's Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). 2. Timothy Shannon's Joinder in Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). The petition is GRANTED. The City of Chicago shall pay the required appellate fees to the clerk of the bankruptcy court within 14 days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). IT IS FURTHER ORDERED that this appeal is CONSOLIDATED with City of Chicago v. Fulton, No. 18-2527 for purposes of briefing and disposition. [6956084-2] [14] [6957731] [18-3023, 18-2527]--[Edited 10/11/2018 by MM to update form to correct caption and reflect all consolidated case numbers.] (MM) [Entered: 10/10/2018 04:30 PM]
- 10/16/2018 15 (432 pgs) Original record on appeal filed electronically. Contents of record : Bankruptcy Court Record [15] [6958798] [18-3023] (DRS) [Entered: 10/16/2018 01:24 PM]
- 10/16/2018 16 (1 pg) ORDER: In light of the consolidation of City of Chicago v. Shannon, briefing in this consolidated appeal shall proceed as follows: Appellant's brief

due on or before 11/15/2018 for City of Chicago. Appellees' briefs due on or before 12/17/2018 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 12/31/2018 for Appellant City of Chicago. SCR [16] [6958801] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 10/16/2018 01:42 PM]

- 10/23/2018 17 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [17] [6960601] (L-No; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023]-- [Edited 10/24/2018 by FP to reflect that atty. Wedoff is added to the dockets.] (Wedoff, Eugene) [Entered: 10/23/2018 04:11 PM]
- 11/08/201 18 Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file brief and appendix of appellant. [18] [6964442] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 11/08/2018 02:34 PM]
- 11/09/2018 19 Order issued GRANTING motion to extend time to file appellant's brief. [18] Appellant's brief due on or before 12/17/2018 for City of Chicago. Appellees' briefs due on or before 01/16/2019

for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 01/30/2019 for Appellant City of Chicago. CMD [19] [6964587] [18-2527, 18-2793, 18-2835, 18-3023] (MM) [Entered: 11/09/2018 09:32 AM]

- 12/17/2018 20 Submitted appellant brief by Ellen W. (0 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [20] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6972496] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 12/17/2018 04:00 PM]
- 12/17/2018 21 Appellant's brief filed by Appellant (168 pgs) City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. Paper copies due on 12/24/2018. Electronically Transmitted. [21] [6972526] [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:53 PM]
- 12/17/2018 22 Filed Appendix by Appellant City of (12 pgs) Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [22] [6972528] Paper copies due on 12/24/2018. [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:54 PM]

- 12/19/2018 23 Circuit Rule 26.1 Disclosure State-  
(2 pgs) ment and Appearance filed by Attor-  
ney Nathan Delman [23] [6973020] (L-  
No; E-Yes; R-No) [18-2527, 18-2835,  
18-3023]--[Edited 12/19/2018 by AP-  
to reflect addition of counsel] (Del-  
man, Nathan) [Entered: 12/19/2018  
10:41 AM]
- 12/19/2018 24 Circuit Rule 26.1 Disclosure State-  
(2 pgs) ment and Appearance filed by Attor-  
ney Brenda Ann Likavec for Appellee  
Robbin L. Fulton in 18-2527, Appellee  
George Peake in 18-2835, Appellee  
Timothy Shannon in 18-3023. [24]  
[6973044] (L-No; E-Yes; R-No) [18-  
2527, 18-2835, 18-3023] (Likavec,  
Brenda) [Entered: 12/19/2018 11:11  
AM]
- 12/19/2018 25 Motion filed by Appellee Robbin L.  
(3 pgs) Fulton in 18-2527, Appellee George  
Peake in 18-2835, Appellee Timothy  
Shannon in 18-3023 to extend time to  
file appellee brief. [25] [6973165] [18-  
2527, 18-2835, 18-3023] (Likavec,  
Brenda) [Entered: 12/19/2018 03:36  
PM]
- 12/20/2018 26 ORDER issued GRANTING motion  
(1 pg) to extend time to file appellees' brief.  
[25] Appellee's brief due on or before  
02/19/2019 for Robbin L. Fulton, Ja-  
son S. Howard, George Peake and  
Timothy Shannon. Appellant's reply  
brief, if any, is due on or before  
03/12/2019 for Appellant City of Chi-

cago. SCR [26] [6973326] [18-2527, 18-2793, 18-2835, 18-3023] [26] [6973326] [18-2527, 18-2793, 18-2835, 18-3023]--[Edited 01/28/2019 by CD to updated deadline in 18-2793.] (AD) [Entered: 12/20/2018 10:27 AM]

- 02/19/2019 27 Submitted appellee brief by Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [27] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6985627] [18-2527, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:33 PM]
- 02/19/2019 28 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [28] [6985628] (L-Yes; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:41 PM]
- 02/19/2019 29 Brief deficiency letter sent to Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [29] [6985643] [18-2527, 18-2835, 18-

- 3023] (CM) [Entered: 02/20/2019 08:57 AM]
- 02/19/2019 31 Appellee's brief filed by Appellee (60 pgs) Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. Paper copies due on 02/27/2019. Electronically Transmitted. [31] [6985696] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 10:04 AM]
- 02/20/2019 30 Re-Submitted appellee brief by Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [30] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6985658] [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/20/2019 09:18 AM]
- 02/22/2019 32 NOTICE: Attorney Ellen W. (1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument March 25-29, April 1-5, April 12-24. [32] [6986359] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 02/22/2019 11:23 AM]
- 02/26/2019 33 Filed Non-Party Motion for Leave to (31 pgs) File Amici Curiae Brief and Proposed Brief by LAF, National Consumer



Bankruptcy Rights Center, National Association of Consumer Bankruptcy Attorneys. [6987281] [18-2527, 18-2793, 18-2835, 18-3023] (Twomey, Tara) [Entered: 02/26/2019 09:23 PM]

- 02/28/2019 34 (1 pg) ORDER: Motion for leave to file amici curiae brief [33] The motion is GRANTED. The clerk of this court shall file INSTANTER the tendered brief of amici curiae. WLS [34] [6987699] [18-2527, 18-2793, 18-2835, 18-3023] (PS) [Entered: 02/28/2019 11:42 AM]
- 02/28/2019 35 (24 pgs) Amicus brief filed by Amici Curiae LAF, NACBA and National Consumer Bankruptcy Rights Center in 18-2527 per order. Paper copies due on 03/07/2019 Electronically Transmitted. [35] [6987751] [18-2527, 18-2793, 18-2835, 18-3023] (CCG) [Entered: 02/28/2019 02:00 PM]
- 03/01/2019 36 (3 pgs) Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file appellant reply brief. [36] [6988154] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/01/2019 03:59 PM]
- 03/04/2019 37 (2 pgs) ORDER: Appellee Jason S. Howard in 18-2793 is directed to showcause as to why this appeal should not be submitted to the Court for a decision without the filing of a brief and without oral argument by the appel-

lee/respondent, per C. R. 31(d). LJ. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellee Jason S. Howard by 03/18/2019... [37] [6988303] [18-2793, 18-2527, 18-2835, 18-3023] (LJ) [Entered: 03/04/2019 10:53 AM]

- 03/04/2019 38 (1 pg) ORDER: re: Appellant City of Chicago's motion for an extension of time. [36] A review of the docket indicates that on March 4, 2019, briefing in this appeal was suspended pending resolution of the rule to show cause issued to counsel for appellee Jason Howard in appeal 18-2793. Accordingly, the appellant's motion for extension of time is DENIED as unnecessary at this time. CMD [38] [6988347] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 03/04/2019 12:20 PM]
- 03/12/2019 39 (3 pgs) Filed Appellee Jason S. Howard in 18-2793 notice of intent not to file a brief. [39] [6990245] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 02:46 PM]
- 03/12/2019 40 (3 pgs) Filed Appellee Jason S. Howard in 18-2793 notice of intent not to file APPEARANCE. [40] [6990259] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:05 PM]
- 03/12/2019 41 Filed NOTICE OF INTENT NOT TO PARTICIPATE IN ORAL AR-

- (3 pgs) GUMENT by Appellee Jason S. Howard in 18-2793. [41] [6990261] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:08 PM]
- 03/13/2019 42 ORDER re: Notice. Appellee Jason S. Howard has notified the court that he will not be participating in this appeal. Accordingly, this appeal will be submitted for decision without the filing of a brief or participation in oral argument by appellee Jason S. Howard. A copy of this order will be distributed to the assigned merits panel. IT IS FURTHER ORDERED that the rule to show cause dated March 4, 2019, is DISCHARGED. Finally, the appellant's reply brief, if any, is due by April 11, 2019. CMD. [42] [6990378] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 03/13/2019 09:39 AM]
- 03/28/2019 43 NOTICE: Attorney Ellen W. (1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument May 16-17, 2019 and May 20-21, 2019. [43] [6993893] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/28/2019 02:24 PM]
- 04/05/2019 44 Argument set for Tuesday, May 14, (6 pgs) 2019, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 20 minutes. Appeal No. 18-2793 to

be submitted on briefs. [44] [6995885] [18-2527, 18-2835, 18-3023]--[Edited 04/05/2019 by MAN] (CAH) [Entered: 04/05/2019 02:30 PM]

- 04/11/2019 45 Submitted appellant reply brief by  
(0 pg) Ellen Wight McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [45] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6997364] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 04/11/2019 02:21 PM]
- 04/11/2019 46 Appellant's reply brief filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. Paper copies due on 04/18/2019 Electronically Transmitted. [46] [6997412] [18-2527, 18-2793, 18-2835, 18-3023] (SK) [Entered: 04/11/2019 03:16 PM]
- 04/11/2019 47 Received argument confirmation  
(1 pg) from Ellen Wight McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [47] [6997460] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 04/11/2019 03:53 PM]
- 04/23/2019 48 Received argument confirmation  
(1 pg) from Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527. [48] [6999909] [18-2527, 18-2793, 18-2835,

- 18-3023] (Wedoff, Eugene) [Entered: 04/23/2019 02:53 PM]
- 05/07/2019 49 Received argument confirmation per  
(1 pg) argument email form for Attorney Ellen W. McLaughlin for Appellant City of Chicago in 18-2527. [49] [7003028] [18-2527, 18-2835, 18-3023] (CAH) [Entered: 05/07/2019 02:29 PM]
- 05/07/2019 50 Received argument confirmation per  
(1 pg) argument email form for Attorney Mr. Eugene Wedoff for Appellee Robbin L. Fulton in 18-2527. [50] [7003032] [18-2527, 18-2835, 18-3023] (CAH) [Entered: 05/07/2019 02:32 PM]
- 05/14/2019 51 Case heard and taken under advise-  
ment by panel: Joel M. Flaum, Circuit Judge; Michael S. Kanne, Circuit Judge and Michael Y. Scudder, Circuit Judge. [51] [7004528] [18-2527, 18-2793, 18-2835, 18-3023] (CM) [Entered: 05/14/2019 12:45 PM]
- 05/14/2019 52 Case argued by Ellen W. McLaughlin  
for Appellant City of Chicago and Mr. Eugene Wedoff for Appellee Robbin L. Fulton in 18-2527, Ellen W. McLaughlin for Appellant City of Chicago and Mr. Eugene Wedoff for Appellee George Peake in 18-2835, Ellen W. McLaughlin for Appellant City of Chicago and Mr. Eugene Wedoff for Appellee Timothy Shannon in 18-3023. [52] [7004534] [18-

- 2527, 18-2793, 18-2835, 18-3023] (CM)  
[Entered: 05/14/2019 12:48 PM]
- 05/16/2019 53 Filed post argument memorandum by  
(3 pgs) Appellant City of Chicago in 18-2527,  
18-2793, 18-2835, 18-3023. [53]  
[7005147] [18-2527, 18-2793, 18-2835,  
18-3023] (McLaughlin, Ellen) [En-  
tered: 05/16/2019 10:34 AM]
- 06/19/2019 54 Filed opinion of the court by Judge  
(27 pgs) Flaum. AFFIRMED. Joel M. Flaum,  
Circuit Judge; Michael S. Kanne, Cir-  
cuit Judge and Michael Y. Scudder,  
Circuit Judge. [54] [7012349] [18-  
2527, 18-2793, 18-2835, 18-3023] (AG)  
[Entered: 06/19/2019 03:13 PM]
- 06/19/2019 55 ORDER: Final judgment filed per  
(1 pg) opinion. With costs: yes. [55]  
[7012402] [18-2527, 18-2793, 18-2835,  
18-3023] (AG) [Entered: 06/19/2019  
04:12 PM]
- 06/19/2019 56 INTERNET CITATION NOTE:  
(33 pgs) Material from decision with internet  
citation. ATTACHED. [56] [18-2527,  
18-2793, 18-2835, 18-3023] (BF) [En-  
tered: 06/24/2019 11:02 AM]
- 07/11/2019 57 Mandate issued. No record to be re-  
(3 pgs) turned. [57] [7016601] [18-2527, 18-  
2793, 18-2835, 18-3023] (DRS) [En-  
tered: 07/11/2019 08:24 AM]
- 07/11/2019 FOR COURT USE ONLY: Certified  
(31 pgs) copy of 06/19/2019 Final Opinion and  
Final Judgment, with Mandate sent  
to the Bankruptcy Court Clerk.

[7016605-2] [7016605] [18-2527, 18-2793, 18-2835, 18-3023] (DRS) [Entered: 07/11/2019 08:31 AM]

09/18/2019 58 Filed notice from the Supreme Court  
(1 pg) of the filing of a Petition for Writ of  
Certiorari. 19-357 [58] [7031441] [18-  
2527, 18-2793, 18-2835, 18-3023] (MM)  
[Entered: 09/19/2019 02:33 PM]

12/18/2019 59 Filed order from the Supreme Court  
(1 pg) GRANTING the Petition for Writ of  
Certiorari. 19-357. [59] [7051018] [18-  
2527, 18-2793, 18-2835, 18-3023] (MM)  
[Entered: 12/18/2019 02:36 PM]

**DOCKET ENTRIES IN CASE NO. 18-2793  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

08/17/2018 1 Bankruptcy direct from Bankruptcy  
(64 pgs) Court case docketed. Fee due. [1]  
[6945971] [18-2793] (CG) [Entered:  
08/20/2018 09:53 AM]

08/28/2018 2 ORDER: re: 1. Motion for certifica-  
(2 pgs) tion to the Court of Appeals, con-  
strued as a petition to file a direct ap-  
peal from the bankruptcy court. 2.  
City of Chicago's petition for direct  
appeal pursuant to 28 U.S.C. §  
158(d)(2). The petitions are  
GRANTED. The City of Chicago  
shall pay the required appellate fees  
to the clerk of the bankruptcy court  
within 14 days from the entry of this  
order pursuant to Federal Rule of  
Appellate Procedure 5(d)(1). After  
the fees are paid, this court will con-  
solidate these two appeals with City  
of Chicago v. Fulton, No. 18-2527.  
SCR [2] [6948029] [18-2793, 18-2835]  
(CG) [Entered: 08/28/2018 03:49 PM]

09/04/2018 Notification of fee payment from the  
Bankruptcy Court. Receipts  
#3232048 & #3234212. [6949135-2]  
[6949135] [18-2793] (JR) [Entered:  
09/04/2018 10:47 AM]

09/04/2018 3 ORDER: City of Chicago v. Fulton,  
(1 pg) No. 18-2527; City of Chicago v. How-  
ard, No. 18-2793; and City of Chicago  
v. Peake, No. 18-2835 are CONSOLI-  
DATED for purposes of briefing and



disposition. Briefing in the consolidated appeals shall proceed as follows: Appellant's brief due on or before 10/04/2018 for City of Chicago. Appellees' briefs due on or before 11/05/2018 for Robbin L. Fulton, Jason S. Howard and George Peake. Appellant's reply brief, if any, is due on or before 11/19/2018 for Appellant City of Chicago. SCR [3] [6949273] [18-2527, 18-2793, 18-2835] (MM) [Entered: 09/04/2018 03:17 PM]

- 09/04/2018 4 Original record on appeal filed electronically. Contents of record : Bankruptcy Court Record [4] [6949303] [18-2835] (DRS) [Entered: 09/04/2018 04:09 PM]
- 09/04/2018 5 Filed electronic transcript of proceedings held on 06/27/2018 & 07/11/2018. [5] [6949334] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [18-2835] (DRS) [Entered: 09/04/2018 04:36 PM]
- 09/05/2018 6 Original record on appeal filed electronically. Contents of record : Bankruptcy Court Record [6] [6949395] [18-2793] (DRS) [Entered: 09/05/2018 09:47 AM]
- 09/05/2018 7 Filed electronic transcript of proceedings held on 1/22/18 & 3/5/18. [7] [6949396] THIS TRANSCRIPT IS FOR INTERNAL COURT USE

- ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [18-2793] (DRS) [Entered: 09/05/2018 09:48 AM]
- 09/18/2018 8 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Aaron M. Weinberg for Appellee Robbin L. Fulton in 18-2527 has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to: <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [8] [6952504] [18-2527, 18-2793, 18-2835] (LJ) [Entered: 09/18/2018 09:37 AM]
- 09/27/2018 9 Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835 to extend time to file appellant brief. [9] (3 pgs) [6954935] [18-2527, 18-2793, 18-2835] (McLaughlin, Ellen) [Entered: 09/27/2018 02:29 PM]
- 09/28/2018 10 Order issued GRANTING motion to extend time to file appellant's brief. (1 pg) [9] Appellant's brief due on or before 11/05/2018 for City of Chicago. Appellees' briefs due on or before 12/05/2018

for Robbin L. Fulton, Jason S. Howard and George Peake. Appellant's reply brief, if any, is due on or before 12/19/2018 for Appellant City of Chicago. CMD [10] [6955107] [18-2527, 18-2793, 18-2835] (MM) [Entered: 09/28/2018 09:24 AM]

- 10/10/2018 11 (1 pg) ORDER re: 1. City of Chicago's Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). 2. Timothy Shannon's Joinder in Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). The petition is GRANTED. The City of Chicago shall pay the required appellate fees to the clerk of the bankruptcy court within 14 days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). IT IS FURTHER ORDERED that this appeal is CONSOLIDATED with City of Chicago v. Fulton, No. 18-2527 for purposes of briefing and disposition. [6956084-2] [11] [6957731] [18-3023, 18-2527]— [Edited 10/11/2018 by MM to update form to correct caption and reflect all consolidated case numbers.] (MM) [Entered: 10/10/2018 04:30 PM]
- 10/16/2018 12 (432 pgs) Original record on appeal filed electronically. Contents of record : Bankruptcy Court Record [12] [6958798] [18-3023] (DRS) [Entered: 10/16/2018 01:24 PM]
- 10/16/2018 13 (1 pg) ORDER: In light of the consolidation of City of Chicago v. Shannon, briefing

in this consolidated appeal shall proceed as follows: Appellant's brief due on or before 11/15/2018 for City of Chicago. Appellees' briefs due on or before 12/17/2018 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 12/31/2018 for Appellant City of Chicago. SCR [13] [6958801] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 10/16/2018 01:42 PM]

10/23/2018 14 Circuit Rule 26.1 Disclosure State-  
(2 pgs) ment and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [14] [6960601] (L-No; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023]--[Edited 10/24/2018 by FP to reflect that atty. Wedoff is added to the dockets.] (Wedoff, Eugene) [Entered: 10/23/2018 04:11 PM]

11/07/2018 15 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney John A. Haderlein for Appellee Jason S. Howard has/have not been admitted to practice in this court. Within 21 days, please file your appli-

- cation for admission by going to: <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [15] [6964186] [18-2793] (LJ) [Entered: 11/07/2018 03:41 PM]
- 11/08/2018 16 Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file brief and appendix of appellant. [16] [6964442] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 11/08/2018 02:34 PM]  
(3 pgs)
- 11/09/2018 17 Order issued GRANTING motion to extend time to file appellant's brief. [16] Appellant's brief due on or before 12/17/2018 for City of Chicago. Appellees' briefs due on or before 01/16/2019 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 01/30/2019 for Appellant City of Chicago. CMD [17] [6964587] [18-2527, 18-2793, 18-2835, 18-3023] (MM) [Entered: 11/09/2018 09:32 AM]  
(1 pg)
- 12/17/2018 18 Submitted appellant brief by Ellen W. McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [18] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will  
(0 pg)

- be open to the public. [6972496] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 12/17/2018 04:00 PM]
- 12/17/2018 19 Appellant's brief filed by Appellant (168 pgs) City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. Paper copies due on 12/24/2018. Electronically Transmitted. [19] [6972526] [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:53 PM]
- 12/17/2018 20 Filed Appendix by Appellant City of (12 pgs) Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [20] [6972528] Paper copies due on 12/24/2018. [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:54 PM]
- 12/20/2018 21 ORDER issued GRANTING motion (1 pg) to extend time to file appellees' brief. [6973165-2] Appellee's brief due on or before 02/19/2019 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 03/12/2019 for Appellant City of Chicago. SCR [21] [6973326] [18-2527, 18-2793, 18-2835, 18-3023] [21] [6973326] [18-2527, 18-2793, 18-2835, 18-3023]--[Edited 01/28/2019 by CD to updated deadline in 18-2793.] (AD) [Entered: 12/20/2018 10:27 AM]
- 02/19/2019 22 Circuit Rule 26.1 Disclosure State- (4 pgs) ment and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee

- George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [22] [6985628] (L-Yes; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:41 PM]
- 02/19/2019 23 Brief deficiency letter sent to Appellee (3 pgs) Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [23] [6985643] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 08:57 AM]
- 02/19/2019 25 Appellee's brief filed by Appellee (60 pgs) Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. Paper copies due on 02/27/2019. Electronically Transmitted. [25] [6985696] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 10:04 AM]
- 02/20/2019 24 Re-Submitted appellee brief by Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [24] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6985658] [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/20/2019 09:18 AM]
- 02/22/2019 26 NOTICE: Attorney Ellen W. (1 pg) McLaughlin for Appellant City of

- Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument March 25-29, April 1-5, April 12-24. [26] [6986359] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 02/22/2019 11:23 AM]
- 02/26/2019 27 Filed Non-Party Motion for Leave to (31 pgs) File Amici Curiae Brief and Proposed Brief by LAF, National Consumer Bankruptcy Rights Center, National Association of Consumer Bankruptcy Attorneys. [6987281] [18-2527, 18-2793, 18-2835, 18-3023] (Twomey, Tara) [Entered: 02/26/2019 09:23 PM]
- 02/28/2019 28 ORDER: Motion for leave to file ami- (1 pg) ci curiae brief [27] The motion is GRANTED. The clerk of this court shall file INSTANTER the tendered brief of amici curiae. WLS [28] [6987699] [18-2527, 18-2793, 18-2835, 18-3023] (PS) [Entered: 02/28/2019 11:42 AM]
- 02/28/2019 29 Amicus brief filed by Amici Curiae (24 pgs) LAF, NACBA and National Consumer Bankruptcy Rights Center in 18-2527 per order. Paper copies due on 03/07/2019 Electronically Transmitted. [29] [6987751] [18-2527, 18-2793, 18-2835, 18-3023] (CCG) [Entered: 02/28/2019 02:00 PM]
- 03/01/2019 30 Motion filed by Appellant City of Chi- (3 pgs) cago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file appellant reply brief. [30] [6988154] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin,



- 03/04/2019 31 Ellen) [Entered: 03/01/2019 03:59 PM]  
(2 pgs) ORDER: Appellee Jason S. Howard in 18-2793 is directed to showcause as to why this appeal should not be submitted to the Court for a decision without the filing of a brief and without oral argument by the appellee/respondent, per C. R. 31(d). LJ. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellee Jason S. Howard by 03/18/2019... [31] [6988303] [18-2793, 18-2527, 18-2835, 18-3023] (LJ) [Entered: 03/04/2019 10:53 AM]
- 03/04/2019 32 ORDER: re: Appellant City of Chicago's motion for an extension of time. [30] A review of the docket indicates that on March 4, 2019, briefing in this appeal was suspended pending resolution of the rule to show cause issued to counsel for appellee Jason Howard in appeal 18-2793. Accordingly, the appellant's motion for extension of time is DENIED as unnecessary at this time. CMD [32] [6988347] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 03/04/2019 12:20 PM]
- 03/12/2019 33 Filed Appellee Jason S. Howard in 18-  
(3 pgs) 2793 notice of intent not to file a brief. [33] [6990245] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 02:46 PM]
- 03/12/2019 34 Filed Appellee Jason S. Howard in 18-  
(3 pgs) 2793 notice of intent not to file AP-

PEARANCE. [34] [6990259] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:05 PM]

03/12/2019 35 Filed NOTICE OF INTENT NOT  
(3 pgs) TO PARTICIPATE IN ORAL ARGUMENT by Appellee Jason S. Howard in 18-2793. [35] [6990261] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:08 PM]

03/13/2019 36 ORDER re: Notice. Appellee Jason  
(1 pg) S. Howard has notified the court that he will not be participating in this appeal. Accordingly, this appeal will be submitted for decision without the filing of a brief or participation in oral argument by appellee Jason S. Howard. A copy of this order will be distributed to the assigned merits panel. IT IS FURTHER ORDERED that the rule to show cause dated March 4, 2019, is DISCHARGED. Finally, the appellant's reply brief, if any, is due by April 11, 2019. CMD. [36] [6990378] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 03/13/2019 09:39 AM]

03/28/2019 37 NOTICE: Attorney Ellen W.  
(1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument May 16-17, 2019 and May 20-21, 2019. [37] [6993893] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/28/2019 02:24 PM]

- 04/05/2019 38 Argument set for Tuesday, May 14, 2019, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 20 minutes. Appeal No. 18-2793 to be submitted on briefs. [38] [6995885] [18-2527, 18-2835, 18-3023]--[Edited 04/05/2019 by MAN] (CAH) [Entered: 04/05/2019 02:30 PM]
- 04/11/2019 39 Submitted appellant reply brief by (0 pg) Ellen Wight McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [39] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6997364] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 04/11/2019 02:21 PM]
- 04/11/2019 40 Appellant's reply brief filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. Paper copies due on 04/18/2019 Electronically Transmitted. [40] [6997412] [18-2527, 18-2793, 18-2835, 18-3023] (SK) [Entered: 04/11/2019 03:16 PM]
- 04/11/2019 41 Received argument confirmation from (1 pg) Ellen Wight McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [41] [6997460] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 04/11/2019 03:53 PM]
- 04/23/2019 42 Received argument confirmation from

- (1 pg) Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527. [42] [6999909] [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 04/23/2019 02:53 PM]
- 05/14/2019 43 Case heard and taken under advisement by panel: Joel M. Flaum, Circuit Judge; Michael S. Kanne, Circuit Judge and Michael Y. Scudder, Circuit Judge. [43] [7004528] [18-2527, 18-2793, 18-2835, 18-3023] (CM) [Entered: 05/14/2019 12:45 PM]
- 05/14/2019 44 Case argued by Ellen W. McLaughlin for Appellant City of Chicago and Mr. Eugene Wedoff for Appellee Robbin L. Fulton in 18-2527, Ellen W. McLaughlin for Appellant City of Chicago and Mr. Eugene Wedoff for Appellee George Peake in 18-2835, Ellen W. McLaughlin for Appellant City of Chicago and Mr. Eugene Wedoff for Appellee Timothy Shannon in 18-3023. [44] [7004534] [18-2527, 18-2793, 18-2835, 18-3023] (CM) [Entered: 05/14/2019 12:48 PM]
- 05/16/2019 45 Filed post argument memorandum by (3 pgs) Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [45] [7005147] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 05/16/2019 10:34 AM]
- 06/19/2019 46 Filed opinion of the court by Judge (27 pgs) Flaum. AFFIRMED. Joel M. Flaum, Circuit Judge; Michael S. Kanne, Circuit Judge and Michael Y. Scudder,

Circuit Judge. [46] [7012349] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 06/19/2019 03:13 PM]

06/19/2019 47 ORDER: Final judgment filed per  
(1 pg) opinion. With costs: yes. [47]  
[7012402] [18-2527, 18-2793, 18-2835,  
18-3023] (AG) [Entered: 06/19/2019  
04:12 PM]

06/19/2019 48 INTERNET CITATION NOTE:  
(33 pgs) Material from decision with internet  
citation. ATTACHED. [48] [18-2527,  
18-2793, 18-2835, 18-3023] (BF) [En-  
tered: 06/24/2019 11:02 AM]

07/11/2019 49 Mandate issued. No record to be re-  
(3 pgs) turned. [49] [7016601] [18-2527, 18-  
2793, 18-2835, 18-3023] (DRS) [En-  
tered: 07/11/2019 08:24 AM]

07/11/2019 FOR COURT USE ONLY: Certified  
31 pg, copy of 06/19/2019 Final Opinion and  
717.87 Final Judgment, with Mandate sent to  
KB the Bankruptcy Court Clerk.  
[7016605-2] [7016605] [18-2527, 18-  
2793, 18-2835, 18-3023] (DRS) [En-  
tered: 07/11/2019 08:31 AM]

09/18/2019 50 Filed notice from the Supreme Court  
(1 pg) of the filing of a Petition for Writ of  
Certiorari. 19-357 [50] [7031441] [18-  
2527, 18-2793, 18-2835, 18-3023] (MM)  
[Entered: 09/19/2019 02:33 PM]

12/18/2019 51 Filed order from the Supreme Court  
(1 pg) GRANTING the Petition for Writ of  
Certiorari. 19-357. [51] [7051018] [18-  
2527, 18-2793, 18-2835, 18-3023] (MM)  
[Entered: 12/18/2019 02:36 PM]



08/28/2018 5 (20 pgs) SCR [4] [6948029] [18-2793, 18-2835] (CG) [Entered: 08/28/2018 03:49 PM] Motion filed by Appellant City of Chicago for stay order of the Bankruptcy Court. [5] [6948055] [18-2835] (McLaughlin, Ellen) [Entered: 08/28/2018 05:37 PM]

08/29/2018 6 (6 pgs) Emergency motion filed by Appellant City of Chicago for stay., Emergency Consideration of Stay Motion. [6] [6948322] [18-2835] (McLaughlin, Ellen) [Entered: 08/29/2018 03:56 PM]

08/30/2018 7 (1 pg) ORDER re: 1. City of Chicago's motion for a stay pending appeal. 2. City of Chicago's motion for emergency consideration of stay motion. IT IS ORDERED that the motion for a stay pending appeal is DENIED. [6] SCR [7] [6948579] [18-2835] (AP) [Entered: 08/30/2018 01:58 PM]

09/04/2018 Notification of fee payment from the Bankruptcy Court. Receipts #3233992 & #3234213. [6949138-2] [6949138] [18-2835] (JR) [Entered: 09/04/2018 10:49 AM]

09/04/2018 8 (1 pg) ORDER: City of Chicago v. Fulton, No. 18-2527; City of Chicago v. Howard, No. 18-2793; and City of Chicago v. Peake, No. 18-2835 are CONSOLIDATED for purposes of briefing and disposition. Briefing in the consolidated appeals shall proceed as follows: Appellant's brief

due on or before 10/04/2018 for City of Chicago. Appellees' briefs due on or before 11/05/2018 for Robbin L. Fulton, Jason S. Howard and George Peake. Appellant's reply brief, if any, is due on or before 11/19/2018 for Appellant City of Chicago. SCR [8] [6949273] [18-2527, 18-2793, 18-2835] (MM) [Entered: 09/04/2018 03:17 PM]

- 09/04/2018 9 Original record on appeal filed electronically. Contents of record : (449 pgs) Bankruptcy Court Record [9] [6949303] [18-2835] (DRS) [Entered: 09/04/2018 04:09 PM]
- 09/04/2018 10 Filed electronic transcript of proceedings held on 06/27/2018 & 07/11/2018. [10] [6949334] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [18-2835] (DRS) [Entered: 09/04/2018 04:36 PM]
- 09/05/2018 11 Original record on appeal filed electronically. Contents of record : (230 pgs) Bankruptcy Court Record [11] [6949395] [18-2793] (DRS) [Entered: 09/05/2018 09:47 AM]
- 09/05/2018 12 Filed electronic transcript of proceedings held on 1/22/18 & 3/5/18. [12] [6949396] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote



electronic access to the transcript is ONLY available through the District Court's PACER system. [18-2793] (DRS) [Entered: 09/05/2018 09:48 AM]

09/18/2018 13 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Aaron M. Weinberg for Appellee Robbin L. Fulton in 18-2527 has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to: <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [13] [6952504] [18-2527, 18-2793, 18-2835] (LJ) [Entered: 09/18/2018 09:37 AM]

09/27/2018 14 Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835 to extend time to file appellant brief. [14] [6954935] [18-2527, 18-2793, 18-2835] (McLaughlin, Ellen) [Entered: 09/27/2018 02:29 PM]

09/28/2018 15 Order issued GRANTING motion to extend time to file appellant's brief. [14] Appellant's brief due on or before 11/05/2018 for City of Chicago. Appellees' briefs due on or

before 12/05/2018 for Robbin L. Fulton, Jason S. Howard and George Peake. Appellant's reply brief, if any, is due on or before 12/19/2018 for Appellant City of Chicago. CMD [15] [6955107] [18-2527, 18-2793, 18-2835] (MM) [Entered: 09/28/2018 09:24 AM]

10/10/2018 16 ORDER re: 1. City of Chicago's  
(1 pg) Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). 2. Timothy Shannon's Joinder in Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). The petition is GRANTED. The City of Chicago shall pay the required appellate fees to the clerk of the bankruptcy court within 14 days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). IT IS FURTHER ORDERED that this appeal is CONSOLIDATED with City of Chicago v. Fulton, No. 18-2527 for purposes of briefing and disposition. [6956084-2] [16] [6957731] [18-3023, 18-2527]--[Edited 10/11/2018 by MM to update form to correct caption and reflect all consolidated case numbers.] (MM) [Entered: 10/10/2018 04:30 PM]

10/16/2018 17 Original record on appeal filed elec-  
(432 pgs) tronically. Contents of record : Bankruptcy Court Record [17] [6958798] [18-3023] (DRS) [Entered:

- 10/16/2018 18 (1 pg) 10/16/2018 01:24 PM] ORDER: In light of the consolidation of City of Chicago v. Shannon, briefing in this consolidated appeal shall proceed as follows: Appellant's brief due on or before 11/15/2018 for City of Chicago. Appellees' briefs due on or before 12/17/2018 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 12/31/2018 for Appellant City of Chicago. SCR [18] [6958801] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 10/16/2018 01:42 PM]
- 10/23/2018 19 (2 pgs) Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [19] [6960601] (L-No; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023]—[Edited 10/24/2018 by FP to reflect that atty. Wedoff is added to the dockets.] (Wedoff, Eugene) [Entered: 10/23/2018 04:11 PM]
- 11/08/2018 20 (3 pgs) Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file brief and appendix of appellant. [20] [6964442] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 11/08/2018 02:34 PM]

- 11/09/2018 21 Order issued GRANTING motion to  
(1 pg) extend time to file appellant's brief.  
[20] Appellant's brief due on or be-  
fore 12/17/2018 for City of Chicago.  
Appellees' briefs due on or before  
01/16/2019 for Robbin L. Fulton, Ja-  
son S. Howard, George Peake and  
Timothy Shannon. Appellant's reply  
brief, if any, is due on or before  
01/30/2019 for Appellant City of Chi-  
cago. CMD [21] [6964587] [18-2527,  
18-2793, 18-2835, 18-3023] (MM) [En-  
tered: 11/09/2018 09:32 AM]
- 12/17/2018 22 Submitted appellant brief by Ellen  
(0 pg) W. McLaughlin for Appellant City  
of Chicago in 18-2527, 18-2793, 18-  
2835, 18-3023. [22] NOTE: Access  
to this entry is limited to counsel of  
record. Once the document is ap-  
proved by the court, it will be filed  
onto the court's docket as a separate  
entry which will be open to the pub-  
lic. [6972496] [18-2527, 18-2793, 18-  
2835, 18-3023] (McLaughlin, Ellen)  
[Entered: 12/17/2018 04:00 PM]
- 12/17/2018 23 Appellant's brief filed by Appellant  
(168 pgs) City of Chicago in 18-2527, 18-2793,  
18-2835, 18-3023. Paper copies due on  
12/24/2018. Electronically Transmit-  
ted. [23] [6972526] [18-2527, 18-2793,  
18-2835, 18-3023] (DSL) [Entered:  
12/17/2018 04:53 PM]
- 12/17/2018 24 Filed Appendix by Appellant City  
(12 pgs) of Chicago in 18-2527, 18-2793, 18-  
2835, 18-3023. [24] [6972528] Paper

copies due on 12/24/2018. [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:54 PM]

12/19/2018 25 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Nathan Delman [25] (2 pgs) [6973020] (L-No; E-Yes; R-No) [18-2527, 18-2835, 18-3023]--[Edited 12/19/2018 by AP- to reflect addition of counsel] (Delman, Nathan) [Entered: 12/19/2018 10:41 AM]

12/19/2018 26 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Brenda Ann Likavec for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [26] [6973044] (L-No; E-Yes; R-No) [18-2527, 18-2835, 18-3023] (Likavec, Brenda) [Entered: 12/19/2018 11:11 AM]

12/19/2018 27 Motion filed by Appellee Robbin L. (3 pgs) Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023 to extend time to file appellee brief. [27] [6973165] [18-2527, 18-2835, 18-3023] (Likavec, Brenda) [Entered: 12/19/2018 03:36 PM]

12/20/2018 28 ORDER issued GRANTING motion (1 pg) to extend time to file appellees' brief. [27] Appellee's brief due on or before 02/19/2019 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply

- brief, if any, is due on or before 03/12/2019 for Appellant City of Chicago. SCR [28] [6973326] [18-2527, 18-2793, 18-2835, 18-3023] [28] [6973326] [18-2527, 18-2793, 18-2835, 18-3023]–[Edited 01/28/2019 by CD to updated deadline in 18-2793.] (AD) [Entered: 12/20/2018 10:27 AM]
- 02/19/2019 29 Submitted appellee brief by Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [29] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6985627] [18-2527, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:33 PM]
- 02/19/2019 30 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [30] [6985628] (L–Yes; E–Yes; R–No) [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:41 PM]
- 02/19/2019 31 Brief deficiency letter sent to Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-

3023. [31] [6985643] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 08:57 AM]
- 02/19/2019 33 Appellee's brief filed by Appellee  
(60 pgs) Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. Paper copies due on 02/27/2019. Electronically Transmitted. [33] [6985696] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 10:04 AM]
- 02/20/2019 32 Re-Submitted appellee brief by Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [32] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6985658] [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/20/2019 09:18 AM]
- 02/22/2019 34 NOTICE: Attorney Ellen W.  
(1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument March 25-29, April 1-5, April 12-24. [34] [6986359] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 02/22/2019 11:23 AM]
- 02/26/2019 35 Filed Non-Party Motion for Leave  
(31 pgs) to File Amici Curiae Brief and Pro-

- posed Brief by LAF, National Consumer Bankruptcy Rights Center, National Association of Consumer Bankruptcy Attorneys. [6987281] [18-2527, 18-2793, 18-2835, 18-3023] (Twomey, Tara) [Entered: 02/26/2019 09:23 PM]
- 02/28/2019 36 ORDER: Motion for leave to file  
(1 pg) amici curiae brief [35] The motion is GRANTED. The clerk of this court shall file INSTANTER the tendered brief of amici curiae. WLS [36] [6987699] [18-2527, 18-2793, 18-2835, 18-3023] (PS) [Entered: 02/28/2019 11:42 AM]
- 02/28/2019 37 Amicus brief filed by Amici Curiae  
(24 pgs) LAF, NACBA and National Consumer Bankruptcy Rights Center in 18-2527 per order. Paper copies due on 03/07/2019 Electronically Transmitted. [37] [6987751] [18-2527, 18-2793, 18-2835, 18-3023] (CCG) [Entered: 02/28/2019 02:00 PM]
- 03/01/2019 38 Motion filed by Appellant City of  
(3 pgs) Chicago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file appellant reply brief. [38] [6988154] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/01/2019 03:59 PM]
- 03/04/2019 39 ORDER: Appellee Jason S. How-  
(2 pgs) ard in 18-2793 is directed to show-cause as to why this appeal should not be submitted to the Court for a decision without the filing of a brief



and without oral argument by the appellee/respondent, per C. R. 31(d). LJ. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellee Jason S. Howard by 03/18/2019... [39] [6988303] [18-2793, 18-2527, 18-2835, 18-3023] (LJ) [Entered: 03/04/2019 10:53 AM]

03/04/2019 40 ORDER: re: Appellant City of  
(1 pg) Chicago's motion for an extension of time. [38] A review of the docket indicates that on March 4, 2019, briefing in this appeal was suspended pending resolution of the rule to show cause issued to counsel for appellee Jason Howard in appeal 18-2793. Accordingly, the appellant's motion for extension of time is DENIED as unnecessary at this time. CMD [40] [6988347] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 03/04/2019 12:20 PM]

03/12/2019 41 Filed Appellee Jason S. Howard in  
(3 pgs) 18-2793 notice of intent not to file a brief. [41] [6990245] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 02:46 PM]

03/12/2019 42 Filed Appellee Jason S. Howard in  
(3 pgs) 18-2793 notice of intent not to file APPEARANCE. [42] [6990259] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:05 PM]

03/12/2019 43 Filed NOTICE OF INTENT NOT

- (3 pgs) TO PARTICIPATE IN ORAL ARGUMENT by Appellee Jason S. Howard in 18-2793. [43] [6990261] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:08 PM]
- 03/13/2019 44 ORDER re: Notice. Appellee Jason S. Howard has notified the court that he will not be participating in this appeal. Accordingly, this appeal will be submitted for decision without the filing of a brief or participation in oral argument by appellee Jason S. Howard. A copy of this order will be distributed to the assigned merits panel. IT IS FURTHER ORDERED that the rule to show cause dated March 4, 2019, is DISCHARGED. Finally, the appellant's reply brief, if any, is due by April 11, 2019. CMD. [44] [6990378] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 03/13/2019 09:39 AM]
- 03/28/2019 45 NOTICE: Attorney Ellen W. (1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument May 16-17, 2019 and May 20-21, 2019. [45] [6993893] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/28/2019 02:24 PM]
- 04/05/2019 46 Argument set for Tuesday, May 14, (6 pgs) 2019, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 20 minutes. Appeal No. 18-2793 to

- be submitted on briefs. [46] [6995885] [18-2527, 18-2835, 18-3023]-  
-[Edited 04/05/2019 by MAN] (CAH) [Entered: 04/05/2019 02:30 PM]
- 04/11/2019 47 Submitted appellant reply brief by  
(0 pg) Ellen Wight McLaughlin for Appel-  
lant City of Chicago in 18-2527, 18-  
2793, 18-2835, 18-3023. [47] NOTE:  
Access to this entry is limited to  
counsel of record. Once the docu-  
ment is approved by the court, it  
will be filed onto the court's docket  
as a separate entry which will be  
open to the public. [6997364] [18-  
2527, 18-2793, 18-2835, 18-3023]  
(McLaughlin, Ellen) [Entered:  
04/11/2019 02:21 PM]
- 04/11/2019 48 Appellant's reply brief filed by Ap-  
(35 pgs) pellant City of Chicago in 18-2527,  
18-2793, 18-2835, 18-3023. Paper  
copies due on 04/18/2019 Electroni-  
cally Transmitted. [48] [6997412]  
[18-2527, 18-2793, 18-2835, 18-3023]  
(SK) [Entered: 04/11/2019 03:16 PM]
- 04/11/2019 49 Received argument confirmation  
(1 pg) from Ellen Wight McLaughlin for  
Appellant City of Chicago in 18-  
2527, 18-2793, 18-2835, 18-3023. [49]  
[6997460] [18-2527, 18-2793, 18-2835,  
18-3023] (McLaughlin, Ellen) [En-  
tered: 04/11/2019 03:53 PM]
- 04/23/2019 50 Received argument confirmation  
(1 pg) from Eugene R. Wedoff for Appel-  
lee Robbin L. Fulton in 18-2527.  
[50] [6999909] [18-2527, 18-2793, 18-

2835, 18-3023] (Wedoff, Eugene)  
[Entered: 04/23/2019 02:53 PM]

05/07/2019 51 Received argument confirmation  
(1 pg) per argument email form for Attor-  
ney Ellen W. McLaughlin for Ap-  
pellant City of Chicago in 18-2527.  
[51] [7003028] [18-2527, 18-2835, 18-  
3023] (CAH) [Entered: 05/07/2019  
02:29 PM]

05/07/2019 52 Received argument confirmation  
(1 pg) per argument email form for Attor-  
ney Mr. Eugene Wedoff for Appel-  
lee Robbin L. Fulton in 18-2527.  
[52] [7003032] [18-2527, 18-2835, 18-  
3023] (CAH) [Entered: 05/07/2019  
02:32 PM]

05/14/2019 53 Case heard and taken under advise-  
ment by panel: Joel M. Flaum, Cir-  
cuit Judge; Michael S. Kanne, Circuit  
Judge and Michael Y. Scudder, Cir-  
cuit Judge. [53] [7004528] [18-2527,  
18-2793, 18-2835, 18-3023] (CM) [En-  
tered: 05/14/2019 12:45 PM]

05/14/2019 54 Case argued by Ellen W. McLaugh-  
lin for Appellant City of Chicago  
and Mr. Eugene Wedoff for Appel-  
lee Robbin L. Fulton in 18-2527, El-  
len W. McLaughlin for Appellant  
City of Chicago and Mr. Eugene  
Wedoff for Appellee George Peake  
in 18-2835, Ellen W. McLaughlin for  
Appellant City of Chicago and Mr.  
Eugene Wedoff for Appellee Timo-  
thy Shannon in 18-3023. [54]  
[7004534] [18-2527, 18-2793, 18-2835,

18-3023] (CM) [Entered: 05/14/2019 12:48 PM]

05/16/2019 55 (3 pgs) Filed post argument memorandum by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [55] [7005147] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 05/16/2019 10:34 AM]

06/19/2019 56 (27 pgs) Filed opinion of the court by Judge Flaum. AFFIRMED. Joel M. Flaum, Circuit Judge; Michael S. Kanne, Circuit Judge and Michael Y. Scudder, Circuit Judge. [56] [7012349] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 06/19/2019 03:13 PM]

06/19/2019 57 (1 pg) ORDER: Final judgment filed per opinion. With costs: yes. [57] [7012402] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 06/19/2019 04:12 PM]

06/19/2019 58 (33 pgs) INTERNET CITATION NOTE: Material from decision with internet citation. ATTACHED. [58] [18-2527, 18-2793, 18-2835, 18-3023] (BF) [Entered: 06/24/2019 11:02 AM]

07/11/2019 59 (3 pgs) Mandate issued. No record to be returned. [59] [7016601] [18-2527, 18-2793, 18-2835, 18-3023] (DRS) [Entered: 07/11/2019 08:24 AM]

07/11/2019 (31 pgs) FOR COURT USE ONLY: Certified copy of 06/19/2019 Final Opinion and Final Judgment, with Mandate sent to the Bankruptcy Court Clerk.

[7016605-2] [7016605] [18-2527, 18-2793, 18-2835, 18-3023] (DRS) [Entered: 07/11/2019 08:31 AM]

09/18/2019 60 Filed notice from the Supreme  
(1 pg) Court of the filing of a Petition for Writ of Certiorari. 19-357 [60] [7031441] [18-2527, 18-2793, 18-2835, 18-3023] (MM) [Entered: 09/19/2019 02:33 PM]

12/18/2019 61 Filed order from the Supreme  
(1 pg) Court GRANTING the Petition for Writ of Certiorari. 19-357. [61] [7051018] [18-2527, 18-2793, 18-2835, 18-3023] (MM) [Entered: 12/18/2019 02:36 PM]

**DOCKET ENTRIES IN CASE NO. 18-3023  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

09/20/2018	1 (2 pgs)	Bankruptcy direct from Bankruptcy Court case under 28 U.S.C. 158(a)(1) and Federal Rule of Bankruptcy Procedure 8001, docketed. [1] [6953503] [18-3023] (FP) [Entered: 09/21/2018 12:20 PM]
09/26/2018	2 (1 pg)	ORDER: On 09/20/2018, this court received the City of Chicago's notice of appeal and the parties' joint certification that this appeal meets the requirements of 28 U.S.C. § 158(d)(2)(A)(i) and (ii) for direct appeal to this court. The parties are reminded that "within 30 days after the date the certification becomes effective" under Federal Rule of Bankruptcy Procedure 8006(a), "a request for permission to take a direct appeal to the court of appeals must be filed with the circuit clerk in accordance with Fed. R. App. P. 6(c)." Fed. R. Bank. P. 8006(g). The parties may also address whether, if the petition is granted, the court should consolidate this appeal with the pending appeals raising the same issue or suspend proceedings until those appeals are resolved. SCR [2] [6954641] [18-3023] (MM) [Entered: 09/26/2018 02:43 PM]
09/26/2018	3	Circuit Rule 26.1 Disclosure State-

- (2 pgs) ment and Appearance filed by Attorney John Peter Wonais for Appellee Timothy Shannon. [3] [6954703] (L-Yes; E-Yes; R-Yes) [18-3023] [Edited 09/27/2018 by CAG to reflect the addition of counsel.] (Wonais, John) [Entered: 09/26/2018 04:27 PM]
- 10/01/2018 4 Appearance form filed by Attorney (2 pgs) Ellen Wight McLaughlin for Appellant City of Chicago. [4] [6955522] (LNo; E-Yes; R-No) [18-3023]-- [Edited 10/02/2018 by FP to reflect that atty. McLaughlin is added to the docket.] (McLaughlin, Ellen) [Entered: 10/01/2018 10:25 AM]
- 10/02/2018 5 Motion filed by Appellant City of (67 pgs) Chicago Petition for direct appeal from U.S. bankruptcy court. [5] [6956084] [18-3023] (McLaughlin, Ellen) [Entered: 10/02/2018 04:13 PM]
- 10/04/2018 6 Filed Response by Appellee Timothy (5 pgs) Shannon to City of Chicago's Petition for Direct Appeal. [6][6956744] [18-3023] (Wonais, John) [Entered: 10/04/2018 04:33 PM]
- 10/10/2018 7 ORDER re: 1. City of Chicago's (1 pg) Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). 2. Timothy Shannon's Joinder in Petition for Direct Appeal Pursuant to 28 U.S.C. § 158(d)(2). The petition is GRANTED. The City of Chicago shall pay the required appellate fees to the



clerk of the bankruptcy court within 14 days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). IT IS FURTHER ORDERED that this appeal is CONSOLIDATED with City of Chicago v. Fulton, No. 18-2527 for purposes of briefing and disposition. [5] [7] [6957731] [18-3023, 18-2527]-- [Edited 10/11/2018 by MM to update form to correct caption and reflect all consolidated case numbers.] (MM) [Entered: 10/10/2018 04:30 PM]

- 10/16/2018 Notification from the Bankruptcy Court of the appellate filing fee payment. Receipts #3234424 & #3234874. [6958768-2] [6958768] [18-3023] (JR) [Entered: 10/16/2018 11:49 AM]
- 10/16/2018 8 Original record on appeal filed electronically. Contents of record : (432 pgs) Bankruptcy Court Record [8] [6958798] [18-3023] (DRS) [Entered: 10/16/2018 01:24 PM]
- 10/16/2018 9 ORDER: In light of the consolidation of City of Chicago v. Shannon, (1 pg) briefing in this consolidated appeal shall proceed as follows: Appellant's brief due on or before 11/15/2018 for City of Chicago. Appellees' briefs due on or before 12/17/2018 for Robin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is

due on or before 12/31/2018 for Appellant City of Chicago. SCR [9] [6958801] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 10/16/2018 01:42 PM]

- 10/23/2018 10 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [10] [6960601] (L-No; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023]--[Edited 10/24/2018 by FP to reflect that atty. Wedoff is added to the dockets.] (Wedoff, Eugene) [Entered: 10/23/2018 04:11 PM]
- 11/07/2018 11 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Adam B. Bourdette for Appellee Timothy Shannon has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to: <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [11] [6964152] [18-3023] (LJ) [Entered:

11/07/2018 03:09 PM]

- 11/08/2018 12 Motion filed by Appellant City of  
(3 pgs) Chicago in 18-2527, 18-2793, 18-2835,  
18-3023 to extend time to file brief  
and appendix of appellant. [12]  
[6964442] [18-2527, 18-2793, 18-2835,  
18-3023] (McLaughlin, Ellen) [En-  
tered: 11/08/2018 02:34 PM]
- 11/09/2018 13 Order issued GRANTING motion to  
(1 pg) extend time to file appellant's brief.  
[12] Appellant's brief due on or be-  
fore 12/17/2018 for City of Chicago.  
Appellees' briefs due on or before  
01/16/2019 for Robbin L. Fulton, Ja-  
son S. Howard, George Peake and  
Timothy Shannon. Appellant's reply  
brief, if any, is due on or before  
01/30/2019 for Appellant City of Chi-  
cago. CMD [13] [6964587] [18-2527,  
18-2793, 18-2835, 18-3023] (MM) [En-  
tered: 11/09/2018 09:32 AM]
- 12/17/2018 14 Submitted appellant brief by Ellen  
(0 pg) W. McLaughlin for Appellant City of  
Chicago in 18-2527, 18-2793, 18-2835,  
18-3023. [14] NOTE: Access to this  
entry is limited to counsel of record.  
Once the document is approved by  
the court, it will be filed onto the  
court's docket as a separate entry  
which will be open to the public.  
[6972496] [18-2527, 18-2793, 18-2835,  
18-3023] (McLaughlin, Ellen) [En-  
tered: 12/17/2018 04:00 PM]
- 12/17/2018 15 Appellant's brief filed by Appellant

- (168 pgs) City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. Paper copies due on 12/24/2018. Electronically Transmitted. [15] [6972526] [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:53 PM]
- 12/17/2018 16 Filed Appendix by Appellant City of  
(12 pgs) Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [16] [6972528] Paper copies due on 12/24/2018. [18-2527, 18-2793, 18-2835, 18-3023] (DSL) [Entered: 12/17/2018 04:54 PM]
- 12/19/2018 17 Circuit Rule 26.1 Disclosure State-  
(2 pgs) ment and Appearance filed by At-  
torney Nathan Delman [17] [6973020] (L-No; E-Yes; R-No) [18-2527, 18-2835, 18-3023]--[Edited 12/19/2018 by AP- to reflect addition of counsel] (Delman, Nathan) [Entered: 12/19/2018 10:41 AM]
- 12/19/2018 18 Circuit Rule 26.1 Disclosure State-  
(2 pgs) ment and Appearance filed by At-  
torney Brenda Ann Likavec for Ap-  
pellee Robbin L. Fulton in 18-2527,  
Appellee George Peake in 18-2835,  
Appellee Timothy Shannon in 18-  
3023. [18] [6973044] (L-No; E-Yes;  
R-No) [18-2527, 18-2835, 18-3023]  
(Likavec, Brenda) [Entered:  
12/19/2018 11:11 AM]
- 12/19/2018 19 Motion filed by Appellee Robbin L.  
(3 pgs) Fulton in 18-2527, Appellee George  
Peake in 18-2835, Appellee Timothy

- Shannon in 18-3023 to extend time to file appellee brief. [19] [6973165] [18-2527, 18-2835, 18-3023] (Likavec, Brenda) [Entered: 12/19/2018 03:36 PM]
- 12/20/2018 20 ORDER issued GRANTING motion  
(1 pg) to extend time to file appellees' brief. [19] Appellee's brief due on or before 02/19/2019 for Robbin L. Fulton, Jason S. Howard, George Peake and Timothy Shannon. Appellant's reply brief, if any, is due on or before 03/12/2019 for Appellant City of Chicago. SCR [20] [6973326] [18-2527, 18-2793, 18-2835, 18-3023] [20] [6973326] [18-2527, 18-2793, 18-2835, 18-3023]--[Edited 01/28/2019 by CD to updated deadline in 18-2793.] (AD) [Entered: 12/20/2018 10:27 AM]
- 02/19/2019 21 Submitted appellee brief by Eugene  
(0 pg) R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [21] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6985627] [18-2527, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:33 PM]
- 02/19/2019 22 Circuit Rule 26.1 Disclosure State-  
(4 pgs) ment and Appearance filed by At-

- torney Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. [22] [6985628] (L-Yes; E-Yes; R-No) [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/19/2019 11:41 PM]
- 02/19/2019 23 Brief deficiency letter sent to Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. (3 pgs) [23] [6985643] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 08:57 AM]
- 02/19/2019 25 Appellee's brief filed by Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. (60 pgs) Paper copies due on 02/27/2019. Electronically Transmitted. [25] [6985696] [18-2527, 18-2835, 18-3023] (CM) [Entered: 02/20/2019 10:04 AM]
- 02/20/2019 24 Re-Submitted appellee brief by Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527, Appellee George Peake in 18-2835, Appellee Timothy Shannon in 18-3023. (0 pg) [24] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be

open to the public. [6985658] [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 02/20/2019 09:18 AM]

- 02/22/2019 26 NOTICE: Attorney Ellen W. (1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument March 25-29, April 1-5, April 12-24. [26] [6986359] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 02/22/2019 11:23 AM]
- 02/26/2019 27 Filed Non-Party Motion for Leave to (31 pgs) File Amici Curiae Brief and Proposed Brief by LAF, National Consumer Bankruptcy Rights Center, National Association of Consumer Bankruptcy Attorneys. [6987281] [18-2527, 18-2793, 18-2835, 18-3023] (Twomey, Tara) [Entered: 02/26/2019 09:23 PM]
- 02/28/2019 28 ORDER: Motion for leave to file (1 pg) amici curiae brief [27] The motion is GRANTED. The clerk of this court shall file INSTANTER the tendered brief of amici curiae. WLS [28] [6987699] [18-2527, 18-2793, 18-2835, 18-3023] (PS) [Entered: 02/28/2019 11:42 AM]
- 02/28/2019 29 Amicus brief filed by Amici Curiae (24 pgs) LAF, NACBA and National Consumer Bankruptcy Rights Center in 18-2527 per order. Paper copies due

on 03/07/2019 Electronically Transmitted. [29] [6987751] [18-2527, 18-2793, 18-2835, 18-3023] (CCG) [Entered: 02/28/2019 02:00 PM]

- 03/01/2019 30 Motion filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023 to extend time to file appellant reply brief. [30] [6988154] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/01/2019 03:59 PM]
- 03/04/2019 31 ORDER: Appellee Jason S. Howard in 18-2793 is directed to showcause as to why this appeal should not be submitted to the Court for a decision without the filing of a brief and without oral argument by the appellee/respondent, per C. R. 31(d). LJ. Briefing is SUSPENDED pending further court order. Response to Rule to Showcause due for Appellee Jason S. Howard by 03/18/2019... [31] [6988303] [18-2793, 18-2527, 18-2835, 18-3023] (LJ) [Entered: 03/04/2019 10:53 AM]
- 03/04/2019 32 ORDER: re: Appellant City of Chicago's motion for an extension of time. [30] A review of the docket indicates that on March 4, 2019, briefing in this appeal was suspended pending resolution of the rule to show cause issued to counsel for appellee Jason Howard in appeal 18-2793. Accordingly, the appellant's



motion for extension of time is DENIED as unnecessary at this time. CMD [32] [6988347] [18-2527, 18-2793, 18-2835, 18-3023] (CG) [Entered: 03/04/2019 12:20 PM]

- 03/12/2019 33 Filed Appellee Jason S. Howard in  
(3 pgs) 18-2793 notice of intent not to file a brief. [33] [6990245] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 02:46 PM]
- 03/12/2019 34 Filed Appellee Jason S. Howard in  
(3 pgs) 18-2793 notice of intent not to file APPEARANCE. [34] [6990259] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:05 PM]
- 03/12/2019 35 Filed NOTICE OF INTENT NOT  
(3 pgs) TO PARTICIPATE IN ORAL ARGUMENT by Appellee Jason S. Howard in 18-2793. [35] [6990261] [18-2793, 18-2527, 18-2835, 18-3023] (Haderlein, John) [Entered: 03/12/2019 03:08 PM]
- 03/13/2019 36 ORDER re: Notice. Appellee Jason  
(1 pg) S. Howard has notified the court that he will not be participating in this appeal. Accordingly, this appeal will be submitted for decision without the filing of a brief or participation in oral argument by appellee Jason S. Howard. A copy of this order will be distributed to the assigned merits panel. IT IS FURTHER OR-

DERED that the rule to show cause dated March 4, 2019, is DISCHARGED. Finally, the appellant's reply brief, if any, is due by April 11, 2019. CMD. [36] [6990378] [18-2527, 18-2793, 18-2835, 18-3023] (AG) [Entered: 03/13/2019 09:39 AM]

- 03/28/2019 37 NOTICE: Attorney Ellen W. (1 pg) McLaughlin for Appellant City of Chicago in 18-2527, 18-2835, 18-3023 will not be available for oral argument May 16-17, 2019 and May 20-21, 2019. [37] [6993893] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 03/28/2019 02:24 PM]
- 04/05/2019 38 Argument set for Tuesday, May 14, (6 pgs) 2019, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 20 minutes. Appeal No. 18-2793 to be submitted on briefs. [38] [6995885] [18-2527, 18-2835, 18-3023]-[Edited 04/05/2019 by MAN] (CAH) [Entered: 04/05/2019 02:30 PM]
- 04/11/2019 39 Submitted appellant reply brief by (0 pg) Ellen Wight McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [39] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [6997364] [18-2527, 18-

2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 04/11/2019 02:21 PM]

- 04/11/2019 40 (35 pgs) Appellant's reply brief filed by Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. Paper copies due on 04/18/2019 Electronically Transmitted. [40] [6997412] [18-2527, 18-2793, 18-2835, 18-3023] (SK) [Entered: 04/11/2019 03:16 PM]
- 04/11/2019 41 (1 pg) Received argument confirmation from Ellen Wight McLaughlin for Appellant City of Chicago in 18-2527, 18-2793, 18-2835, 18-3023. [41] [6997460] [18-2527, 18-2793, 18-2835, 18-3023] (McLaughlin, Ellen) [Entered: 04/11/2019 03:53 PM]
- 04/23/2019 42 (1 pg) Received argument confirmation from Eugene R. Wedoff for Appellee Robbin L. Fulton in 18-2527. [42] [6999909] [18-2527, 18-2793, 18-2835, 18-3023] (Wedoff, Eugene) [Entered: 04/23/2019 02:53 PM]
- 05/07/2019 43 (1 pg) Received argument confirmation per argument email form for Attorney Ellen W. McLaughlin for Appellant City of Chicago in 18-2527. [43] [7003028] [18-2527, 18-2835, 18-3023] (CAH) [Entered: 05/07/2019 02:29 PM]
- 05/07/2019 44 (1 pg) Received argument confirmation per argument email form for Attorney Mr. Eugene Wedoff for Appellee Robbin L. Fulton in 18-2527. [44] [7003032]

- [18-2527, 18-2835, 18-3023] (CAH)  
[Entered: 05/07/2019 02:32 PM]
- 05/14/2019 45 Case heard and taken under advise-  
ment by panel: Joel M. Flaum, Cir-  
cuit Judge; Michael S. Kanne, Circuit  
Judge and Michael Y. Scudder, Cir-  
cuit Judge. [45] [7004528] [18-2527,  
18-2793, 18-2835, 18-3023] (CM) [En-  
tered: 05/14/2019 12:45 PM]
- 05/14/2019 46 Case argued by Ellen W. McLaugh-  
lin for Appellant City of Chicago and  
Mr. Eugene Wedoff for Appellee  
Robbin L. Fulton in 18-2527, Ellen  
W. McLaughlin for Appellant City of  
Chicago and Mr. Eugene Wedoff for  
Appellee George Peake in 18-2835,  
Ellen W. McLaughlin for Appellant  
City of Chicago and Mr. Eugene  
Wedoff for Appellee Timothy Shan-  
non in 18-3023. [46] [7004534] [18-  
2527, 18-2793, 18-2835, 18-3023] (CM)  
[Entered: 05/14/2019 12:48 PM]
- 05/16/2019 47 Filed post argument memorandum  
(3 pgs) by Appellant City of Chicago in 18-  
2527, 18-2793, 18-2835, 18-3023. [47]  
[7005147] [18-2527, 18-2793, 18-2835,  
18-3023] (McLaughlin, Ellen) [En-  
tered: 05/16/2019 10:34 AM]
- 06/19/2019 48 Filed opinion of the court by Judge  
(27 pgs) Flaum. AFFIRMED. Joel M. Flaum,  
Circuit Judge; Michael S. Kanne,  
Circuit Judge and Michael Y. Scud-  
der, Circuit Judge. [48] [7012349]  
[18-2527, 18-2793, 18-2835, 18-3023]

- (AG) [Entered: 06/19/2019 03:13 PM]
- 06/19/2019 49 ORDER: Final judgment filed per  
(1 pg) opinion. With costs: yes. [49]  
[7012402] [18-2527, 18-2793, 18-2835,  
18-3023] (AG) [Entered: 06/19/2019  
04:12 PM]
- 06/19/2019 50 INTERNET CITATION NOTE:  
(33 pgs) Material from decision with internet  
citation. ATTACHED. [ 50] [18-  
2527, 18-2793, 18-2835, 18-3023] (BF)  
[Entered: 06/24/2019 11:02 AM]
- 07/11/2019 51 Mandate issued. No record to be re-  
(3 pgs) turned. [51] [7016601] [18-2527, 18-  
2793, 18-2835, 18-3023] (DRS) [En-  
tered: 07/11/2019 08:24 AM]
- 07/11/2019 (31 pgs) FOR COURT USE ONLY: Certi-  
fied copy of 06/19/2019 Final Opinion  
and Final Judgment, with Mandate  
sent to the Bankruptcy Court Clerk.  
[7016605-2] [7016605] [18-2527, 18-  
2793, 18-2835, 18-3023] (DRS) [En-  
tered: 07/11/2019 08:31 AM]
- 09/18/2019 52 Filed notice from the Supreme Court  
(1 pg) of the filing of a Petition for Writ of  
Certiorari. 19-357 [52] [7031441] [18-  
2527, 18-2793, 18-2835, 18-3023] (MM)  
[Entered: 09/19/2019 02:33 PM]
- 12/18/2019 53 Filed order from the Supreme Court  
(1 pg) GRANTING the Petition for Writ of  
Certiorari. 19-357. [53] [7051018] [18-  
2527, 18-2793, 18-2835, 18-3023] (MM)  
[Entered: 12/18/2019 02:36 PM]

**DOCKET ENTRIES IN CASE NO. 18-2860  
IN THE U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
(EASTERN DIVISION)**

- 01/31/2018      1      Chapter 13 Voluntary Petition for an  
(71 pgs) Individual Fee Amount \$310, Filed  
by Elise Harmening on behalf of  
Robbin L Fulton Chapter 13 Plan  
due by 02/14/2018. (Harmening,  
Elise) (Entered: 01/31/2018)
- 01/31/2018      2      Meeting of Creditors with 341(a)  
meeting to be held on 02/28/2018 at  
12:30 PM at 55 East Monroe Street,  
Suite 3850, Chicago, Illinois 60603.  
Confirmation hearing to be held on  
03/21/2018 at 11:00 AM at 219 South  
Dearborn, Courtroom 682, Chicago,  
Illinois 60604. Proof of Claim due by  
04/11/2018. Government Proof of  
Claim due by 07/30/2018. Objection  
to Dischargeability due by  
04/30/2018. (Harmening, Elise) (En-  
tered: 01/31/2018)
- 01/31/2018      3      Statement About Your Social Secu-  
rity Numbers Filed by Elise Har-  
mening on behalf of Robbin L Ful-  
ton. (Harmening, Elise) (Entered:  
01/31/2018)
- 01/31/2018      4      Certificate of Credit Counseling  
(1 pg) Filed by Elise Harmening on behalf  
of Robbin L Fulton. (Harmening,  
Elise) (Entered: 01/31/2018)
- 01/31/2018      5      Chapter 13 Statement of Your Cur-  
(3 pgs) rent Monthly Income and Calcula-  
tion of Commitment Period for 3

Years (Form 122C-1) Disposable Income Is Not Determined Filed by Elise Harmening on behalf of Robbin L Fulton. (Harmening, Elise) (Entered: 01/31/2018)

02/01/2018

6

Notice of Debtor's Prior Filings

Debtor	Case No	Note
Robbin L Fulton	12-21387	Ch7 filed in Illinois Northern Bankruptcy on 05/25/2012, Standard Discharge on 10/01/2012
	11-26744	Ch13 filed in Illinois Northern Bankruptcy on 06/28/2011, Dismissed for failure to make plan payments on 12/14/2011

(Admin) (Entered: 02/01/2018)

02/01/2018

7

Receipt of Voluntary Petition (Chapter 13)(18-02860) [misc,volp13a] ( 310.00) Filing Fee. Receipt number 36473472. Fee Amount \$ 310.00 (re:Doc# 1) (U.S. Treasury) (Entered: 02/01/2018)

02/01/2018

8

Notice of Chapter 13 Bankruptcy (2 pgs) Case . (Collopy-Norris, Katherine) (Entered: 02/01/2018)

02/01/2018

9  
(3 pgs)

BNC Certificate of Notice – Meeting of Creditors. (RE: 8 Notice of Chapter 13 Bankruptcy Case). No. of Notices: 7. Notice Date 02/03/2018. (Admin.) (Entered: 02/03/2018)

02/05/2018

10

Chapter 13 Plan Filed by Elise

- (8 pgs) Harmening on behalf of Robbin L Fulton. (Harmening, Elise) (Entered: 02/05/2018)
- 02/05/2018 11 Proposed Order to Employer to Pay the Trustee Filed by Elise Harmening on behalf of Robbin L Fulton. (Harmening, Elise) (Entered: 02/05/2018) (1 pg)
- 02/06/2018 12 Order to Employer to Pay the Trustee . Signed on 2/6/2018 (O'Neal, Michelle) (Entered: 02/06/2018) (1 pg)
- 02/06/2018 13 BNC Certificate of Notice – PDF Document. (RE: 10 Chapter 13 Plan/Amended Plan). No. of Notices: 9. Notice Date 02/08/2018. (Admin.) (Entered: 02/08/2018) (9 pgs)
- 02/13/2018 14 Notice of Motion and Application for Compensation for Elizabeth Placek, Debtor's Attorney, Fee: \$4000.00, Expenses: \$376.76. Filed by Elizabeth Placek. Hearing scheduled for 3/21/2018 at 11:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Placek, Elizabeth) (Entered: 02/13/2018) (14 pgs; 2 docs)
- 03/01/2018 15 Meeting of Creditors Held (Vaughn, Tom) (Entered: 03/01/2018)
- 03/12/2018 16 Amended Chapter 13 Plan Filed by John P Wonais on behalf of Robbin L Fulton. (Wonais, John) (Entered: 03/12/2018) (8 pgs)
- 03/13/2018 17 Proof of Service Filed by John P Wonais on behalf of Robbin L Fulton (RE: 16 Chapter 13 Plan/Amended



Plan). (Wonais, John) (Entered: 03/13/2018)

03/21/2018 18 Order Confirming Chapter 13 Plan (1 pg) (RE: 16 Chapter 13 Plan/Amended Plan). Signed on 3/21/2018 (O'Neal, Michelle) (Entered: 03/22/2018)

03/21/2018 19 Order Granting Application For (1 pg) Compensation (Related Doc # 14). Elizabeth Placek, fees awarded: \$4000.00, expenses awarded: \$376.76. Signed on 3/21/2018. (O'Neal, Michelle) (Entered: 03/22/2018)

04/25/2018 20 Notice of Motion and Motion to Mod- (5 pgs; ify Plan Filed by John P Wonais on 2 docs) behalf of Robbin L Fulton. Hearing scheduled for 5/2/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Wonais, John) (Entered: 04/25/2018)

04/30/2018 21 Notice of Motion and Motion for Re- (7 pgs; lief from Stay as to 5502 W. Con- 3 docs) gress Pkwy., Garden Apt., Chicago, IL 60644. Fee Amount \$181, Filed by Arthur Czaja on behalf of MR MC LLC 5505 W. CONGRESS. Hearing scheduled for 5/16/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order # 2 Statement Accompanying Relief From Stay) (Czaja, Arthur) Additional attachment(s) added on 5/2/2018 (Brown, Venita). Modified on 5/2/2018 to correct PDF (Brown,

04/30/2018 22 Venita). (Entered: 04/30/2018)  
Receipt of Motion for Relief from Stay(18-02860) [motion,mrlfsty] (181.00) Filing Fee. Receipt number 37139944. Fee Amount \$ 181.00 (re:Doc# 21) (U.S. Treasury) (Entered: 04/30/2018)

05/02/2018 23 Notice of Motion and Motion For (32 pgs; Sanctions against City of Chicago for 6 docs) Violation of the Automatic Stay Filed by John P Wonais on behalf of Robbin L Fulton. Hearing scheduled for 5/9/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Proposed Order) (Wonais, John) (Entered: 05/02/2018)

05/02/2018 24 Attachment(s) Service list Filed by (1 pg) John P Wonais on behalf of Robbin L Fulton (RE: 23 Motion for Sanctions/Damages for Violation of the Automatic Stay). (Wonais, John) (Entered: 05/02/2018)

05/02/2018 25 CORRECTIVE ENTRY: to correct PDF (RE: 21 Motion for Relief from Stay). (Brown, Venita) (Entered: 05/02/2018)

05/02/2018 26 (E)Order Denying for the Reasons Stated on the Record Motion To Modify Plan (Related Doc # 20). Signed on 5/2/2018. (O'Neal, Michelle) (Entered: 05/03/2018)

05/08/2018 27 Response to (related document(s):

- (12 pgs; 23 Motion for Sanctions/Damages for 2 docs) Violation of the Automatic Stay) Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (Attachments: # 1 Exhibit A) (Holtkamp, David) (Entered: 05/08/2018)
- 05/08/2018 28 Notice of Hearing and Objection to (21 pgs; Claim(s) 1 of City of Chicago Filed 4 docs) by John P Wonais on behalf of Robbin L Fulton. Hearing scheduled for 5/9/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Proposed Order) (Wonais, John) (Entered: 05/08/2018)
- 05/08/2018 29 Amended Exhibit(s) Amended Exhibit B Filed by John P Wonais on behalf of Robbin L Fulton (RE: 28 Objection to Claim). (Wonais, John) (Entered: 05/08/2018)
- 05/09/2018 30 (E)Hearing Continued (RE: 23 Sanctions/Damages for Violation of the Automatic Stay 362(k)). hearing scheduled for 05/16/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 05/09/2018. (Dragonetti, Alex) (Entered: 05/09/2018)
- 05/09/2018 31 Order Scheduling (RE: 28 Objection to Claim). Response due by 5/15/2018. Status hearing to be held on 5/16/2018 at 10:30 AM at 219 South Dearborn, Courtroom 682,

Chicago, Illinois 60604. Signed on 5/9/2018 (Boyd, Shante) (Entered: 05/10/2018)

05/09/2018 32 Certificate of Service (RE: 31 Order (1 pg) Scheduling). (Boyd, Shante) (Entered: 05/10/2018)

05/09/2018 33 Order Scheduling (RE: 23 Motion (1 pg) for Sanctions/Damages for Violation of the Automatic Stay). Reply due by: 5/15/2018 Status hearing to be held on 5/16/2016 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. Signed on 5/9/2018 (Boyd, Shante) (Entered: 05/10/2018)

05/09/2018 34 Certificate of Service (RE: 33 Order (1 pg) Scheduling). (Boyd, Shante) (Entered: 05/10/2018)

05/14/2018 35 Response to (related document(s): 28 (43 pgs; Objection to Claim) Filed by David 4 docs) Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C) (Holtkamp, David) (Entered: 05/14/2018)

05/15/2018 36 Reply to (related document(s): 27 (8 pgs) Response) Filed by John P Wonais on behalf of Robbin L Fulton (Wonais, John) (Entered: 05/15/2018)

05/16/2018 37 (E)Hearing Continued (RE: 23 Sanctions/Damages for Violation of the Automatic Stay 362(k)). hearing scheduled for 05/23/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on

05/16/2018 38 (E)Order Granting Motion for Relief from Stay (Related Doc # 21 ). Signed on 05/16/2018. (Dragonetti, Alex) (Entered: 05/16/2018)

05/25/2018 39 Memorandum Opinion (RE: 23 Motion for Sanctions/Damages for Violation of the Automatic Stay, 28 Objection to Claim). (O'Neal, Michelle) (Entered: 05/25/2018)

05/25/2018 40 Order Granting Motion For Sanctions for Violation of the Automatic Stay (Related Doc # 23). Signed on 5/25/2018. (O'Neal, Michelle) (Entered: 05/25/2018)

05/25/2018 41 Certificate of Service (RE: 40 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay). (O'Neal, Michelle) (Entered: 05/25/2018)

05/25/2018 42 Order Overruling Objection to Claim 1 (RE: 28 Objection to Claim). Signed on 5/25/2018 (O'Neal, Michelle) (Entered: 05/25/2018)

05/25/2018 43 Certificate of Service (RE: 42 Order on Objection to Claim). (O'Neal, Michelle) (Entered: 05/25/2018)

05/25/2018 44 Hearing Set (RE: 40 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay) & (RE: 42 Order on Objection to Claim). Status hearing to be held on 5/29/2018 at 01:30 PM at 219 South Dearborn, Courtroom 682, Chicago,

- Illinois 60604. (Dragonetti, Alex)  
(Entered: 05/25/2018)
- 05/29/2018 45 Order of Court Sua Sponte with  
(2 pgs) Certificate of Service – David Holt-  
kamp, an attorney for the City of  
Chicago, is hereby ordered to file  
herein a statement signed by him no  
later than noon on May 30, 2018,  
identifying the name, title office ad-  
dress, and phone number of the per-  
son who has care, custody, and con-  
trol of automobiles that are im-  
pounded by the City of Chicago, .  
Signed on 5/29/2018 (Mendoza, Cath-  
erine) (Entered: 05/29/2018)
- 05/29/2018 46 (E)Status Hearing (RE: 40 Order on  
Motion for Sanctions/Damages for  
Violation of the Automatic Stay)  
Continued. Status hearing to be  
held on 05/31/2018 at 01:30 PM at  
Courtroom 682 219 South Dearborn,  
Chicago, IL, 60604.. Signed on  
05/29/2018. (Dragonetti, Alex) (En-  
tered: 05/29/2018)
- 05/30/2018 47 Statement Filed by David Paul  
(3 pgs) Holtkamp on behalf of City of Chica-  
go, an Illinois Municipal Corporation  
(RE: 45 Order (Generic)). (Holt-  
kamp, David) (Entered: 05/30/2018)
- 05/30/2018 48 Notice of Appeal to District Court.  
(5 pgs; Filed by David Paul Holtkamp on  
2 docs) behalf of City of Chicago, an Illinois  
Municipal Corporation. Fee Amount  
\$298 (RE: 39 Memorandum Opin-  
ion/Decision, 40 Order on Motion for

Sanctions/Damages for Violation of the Automatic Stay). Appellant Designation due by 06/13/2018. Transmission of Record Due no later than 06/29/2018. (Attachments: # 1 Civil Cover Sheet)(Holtkamp, David) (Entered: 05/30/2018)

05/30/2018 49 Receipt of Notice of Appeal – \$298.00 by NB. Receipt Number 3232776. Payment received from Corporation Counsel Legal. (register) (Entered: 05/31/2018)

05/30/2018 50 Order of Court Sua Sponte – Steve (1 pg) Sorfleet, Deputy Commissioner of the City of Chicago Department of Streets and Sanitation must return Debtor Robbin Fulton’s vehicle to her forthwith. (RE: 40 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay). Signed on 5/30/2018 (O’Neal, Michelle) (Entered: 05/31/2018)

05/30/2018 51 Certificate of Service (RE: 50 Order (2 pgs) (Generic)). (O’Neal, Michelle) (Entered: 05/31/2018)

05/30/2018 61 **See Docket #49** Receipt of Notice of Appeal(18-02860) [appeal,ntcapl] (Horn, Fred) (re:Doc48) (Horn) Modified on 6/1/2018 (Horn, Fred). (Entered: 06/01/2018)

05/31/2018 52 Notice of Motion and Motion To Stay (21 pgs; Pending Appeal Filed by David Paul 2 docs) Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Hearing scheduled for 5/31/2018 at

01:30 PM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Holtkamp, David) (Entered: 05/31/2018)

05/31/2018 53 Certificate of Service (RE: 48 Notice of Appeal). (Green, Charlie) (Entered: 05/31/2018)  
(1 pg)

05/31/2018 54 Transmittal of Notice of Appeal to District Court (RE: 48 Notice of Appeal). (Green, Charlie) (Entered: 05/31/2018)

05/31/2018 55 (E)Status Hearing (RE: 40 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay) & (RE: 42 Order on Objection to Claim) Scheduled for 06/04/2018 at 11:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604. Signed on 05/31/2018. (Dixon, Lisa) (Entered: 05/31/2018)

05/31/2018 56 Order – Order of Court Sua Sponte . (1 pg) Signed on 5/31/2018 (O’Neal, Michelle) (Entered: 05/31/2018)

05/31/2018 57 Certificate of Service (RE: 56 Order (2 pgs) (Generic)). (O’Neal, Michelle) (Entered: 05/31/2018)

05/31/2018 58 Amended Memorandum Opinion (13 pgs) (RE: 39 Memorandum Opinion/Decision). (O’Neal, Michelle) (Entered: 05/31/2018)

05/31/2018 59 Certificate of Service (RE: 58 Memorandum Opinion/Decision). (O’Neal, Michelle) (Entered: 05/31/2018)  
(2 pgs)

05/31/2018 60 Notice of Docketing Notice of Ap-



(1 pg) peal, to District Court . Case Number 18 cv 03820 Assigned to Judge: John Robert Blakey (RE: 48 Notice of Appeal). (Green, Charlie) (Entered: 05/31/2018)

06/01/2018 62 Response to (related document(s): 52 (21 pgs; Motion To Stay Pending Appeal) 4 docs) Filed by John P Wonais on behalf of Robbin L Fulton (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C) (Wonais, John) (Entered: 06/01/2018)

06/04/2018 63 Hearing Concluded (RE: 55 Hearing Continued). (Dixon, Lisa) (Entered: 06/04/2018)

06/05/2018 64 Order Denying Motion To Stay (5 pgs) Pending Appeal. (Related Doc # 52) . Signed on 6/5/2018. (O'Neal, Michelle) (Entered: 06/05/2018)

06/05/2018 65 Certificate of Service (RE: 64 Order (2 pgs) on Motion To Stay Pending Appeal). (O'Neal, Michelle) (Entered: 06/05/2018)

06/11/2018 66 Notice of Filing Order of Stay Pending Appeal Entered By the District Court Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (RE: 40 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay, 50 Order (Generic)). (Holtkamp, David) (Entered: 06/11/2018)

06/12/2018 67 Transcript Ordered Re: Notice of (1 pg) Appeal for hearing(s) held on May 9, 2018 at 10:00 am / May 16, 2018 at

- 10:30 am / May 31, 2018 at 1:30 am / June 4, 2018 at 11:30 am Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 48 Notice of Appeal). (Holtkamp, David) (Entered: 06/12/2018)
- 06/12/2018 68 Appellant Designation of Contents (12 pgs) for Inclusion in Record and Statement of Issue On Appeal Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 48 Notice of Appeal). Appellee designation due by 06/26/2018. (Holtkamp, David) (Entered: 06/12/2018)
- 06/21/2018 69 Notice of Motion and Motion for Certification of Direct Appeal to Appeal Court Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Hearing scheduled for 6/27/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Proposed Order) (Holtkamp, David) (Entered: 06/21/2018)
- 06/26/2018 70 Transcript regarding Hearing Held (9 pgs) 05/09/2018. Remote electronic access to the excerpt/transcript is restricted until 09/24/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact

the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 23 Motion for Sanctions/Damages for Violation of the Automatic Stay). Notice of Intent to Request Redaction Deadline Due By 7/10/2018. Redaction Request Due By 07/17/2018. Redacted Transcript Submission Due By 07/27/2018. Transcript access will be restricted through 09/24/2018. (Doolin, Amy) (Entered: 06/26/2018)

06/26/2018 71 Transcript regarding Hearing Held  
(2 pgs) 05/16/2018. Remote electronic access to the excerpt/transcript is restricted until 09/24/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 21 Motion for Relief from Stay). Notice of Intent to Request Redaction Deadline Due By 7/10/2018. Redaction Request Due By 07/17/2018. Redacted Transcript Submission Due By 07/27/2018. Transcript access will be restricted through 09/24/2018. (Doolin, Amy) (Entered: 06/26/2018)

06/26/2018 72 Transcript regarding Hearing Held  
(19 pgs) 05/31/2018. Remote electronic access to the excerpt/transcript is restricted until 09/24/2018. The excerpt/transcript may be viewed at

the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 46 Hearing Continued). Notice of Intent to Request Redaction Deadline Due By 7/10/2018. Redaction Request Due By 07/17/2018. Redacted Transcript Submission Due By 07/27/2018. Transcript access will be restricted through 09/24/2018. (Doolin, Amy) (Entered: 06/26/2018)

06/26/2018 73 Transcript regarding Hearing Held  
(41 pgs) 06/04/2018. Remote electronic access to the excerpt/transcript is restricted until 09/24/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 55 Hearing Continued). Notice of Intent to Request Redaction Deadline Due By 7/10/2018. Redaction Request Due By 07/17/2018. Redacted Transcript Submission Due By 07/27/2018. Transcript access will be restricted through 09/24/2018. (Doolin, Amy) (Entered: 06/26/2018)

06/26/2018 74 Appellee Designation of Contents  
(5 pgs) for Inclusion in Record and Statement of Issue on Appeal Filed by John P Wonais on behalf of Robbin L

- Fulton. (RE: 48 Notice of Appeal, 68 Appellant Designation and Statement of Issue). (Wonais, John) (Entered: 06/26/2018)
- 06/26/2018 75 Transcript Ordered Re: Notice of Appeal for hearing(s) held on 5/29/18 at 1:30 pm Filed by John P Wonais on behalf of Robbin L Fulton. (RE: 48 Notice of Appeal). (Wonais, John) (Entered: 06/26/2018)
- 06/26/2018 76 Notice of Motion and Motion to Strike to Strike Designation of Item and Statement of Issue Filed by John P Wonais on behalf of Robbin L Fulton. Hearing scheduled for 7/11/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Wonais, John) (Entered: 06/26/2018)
- 06/27/2018 77 Exhibit(s) C Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (RE: 69 Motion for Certification of Direct Appeal). (Holtkamp, David) (Entered: 06/27/2018)
- 06/27/2018 78 Exhibit(s) D Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (RE: 69 Motion for Certification of Direct Appeal). (Holtkamp, David) (Entered: 06/27/2018)
- 06/27/2018 79 Notice of Filing Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation

(RE: 77 Exhibit, 78 Exhibit). (Holtkamp, David) (Entered: 06/27/2018)

06/27/2018 80 (E)Hearing Continued (RE: 69 Certification of Direct Appeal). hearing scheduled for 07/11/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 06/27/2018. (Dixon, Lisa) (Entered: 06/27/2018)

07/03/2018 81 Response to (related document(s): (14 pgs; 76 Motion to Strike) Filed by David 2 docs) Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (Attachments: # 1 Exhibit A) (Holtkamp, David) (Entered: 07/03/2018)

07/06/2018 82 Transcript regarding Hearing Held (7 pgs) 05/29/2018. Remote electronic access to the excerpt/transcript is restricted until 10/4/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 44 Hearing (Bk Other) Set). Notice of Intent to Request Redaction Deadline Due By 7/20/2018. Redaction Request Due By 07/27/2018. Redacted Transcript Submission Due By 08/6/2018. Transcript access will be restricted through 10/4/2018. (Doolin, Amy) (Entered: 07/06/2018)

07/09/2018 83 Response to (related document(s):

(6 pgs; 69 Motion for Certification of Direct  
2 docs) Appeal) Filed by John P Wonais on  
behalf of Robbin L Fulton (Attach-  
ments: # 1 Exhibit A) (Wonais,  
John) (Entered: 07/09/2018)

07/10/2018 84 Notice of Withdrawal Filed by David  
(3 pgs) Paul Holtkamp on behalf of City of  
Chicago, an Illinois Municipal Corpo-  
ration (RE: 69 Motion for Certifica-  
tion of Direct Appeal). (Holtkamp,  
David) (Entered: 07/10/2018)

07/11/2018 85 Order Court currently lacks jurisdic-  
(1 pg) tion to enter said order Motion for  
Request for Certification of Direct  
Appeal to Appeal Court (Related Doc  
69). Signed on 7/11/2018. (Green,  
Charlie) (Entered: 07/12/2018)

07/12/2018 86 Transmittal of Record on Appeal to  
District Court (RE: 48 Notice of  
Appeal). (Green, Charlie) (Entered:  
07/12/2018)

07/12/2018 87 Notice of Docketing Record on Ap-  
(1 pg) peal to District Court . Case Num-  
ber 18 cv 03820 Assigned to Judge:  
John Robert Blakey (RE: 48 Notice  
of Appeal). (Green, Charlie) (En-  
tered: 07/12/2018)

07/12/2018 89 Certificate of Service (RE: 88 Order  
(2 pgs) (Generic)). (Brown, Venita) (En-  
tered: 07/17/2018)

07/17/2018 88 Order – It is hereby ordered that the  
(1 pg) court declines to rule on this matter  
Pursuant to Fed. R. Bankr P.  
8006(b), the District Court now hav-  
ing jurisdiction over the appeal (RE:

- 76 Motion to Strike). Signed on 7/17/2018 (Brown, Venita) . (Entered: 07/17/2018)
- 07/25/2018 90 Notice of Motion and Motion to Dismiss Debtor Term of Plan Filed by Tom Vaughn Hearing scheduled for 8/15/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Vaughn, Tom) (Entered: 07/25/2018)
- 07/26/2018 92 Order Granting Certification of Direct Appeal. Direct Bankruptcy Certification Case construed as a Petition to file a direct appeal from the bankruptcy court. Additional Fee Amount \$207 Required. . Signed on 7/26/2018 (Green, Charlie) (Entered: 07/27/2018)
- 07/27/2018 91 Received Notice of Docketing Direct Appeal from U S Court of Appeals, Case Number: 18-2527 . Direct Bankruptcy Certification Case construed as a Petition to file a direct appeal from the bankruptcy court, filed on July 13, 2018, by counsel for Appellant. (Green, Charlie) (Entered: 07/27/2018)
- 07/30/2018 93 Notice of Motion and Motion to Dismiss Debtor for Failure to Make Plan Payments Filed by Tom Vaughn Hearing scheduled for 8/22/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1



Proposed Order) (Vaughn, Tom)  
(Entered: 07/30/2018)

07/30/2018 94 Notice of Motion and Motion to Modify Plan Filed by John P Wonais on behalf of Robbin L Fulton. Hearing scheduled for 8/15/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Wonais, John) (Entered: 07/30/2018)

08/01/2018 95 Receipt of Direct Appeal – \$207.00 by CC. Receipt Number 3233752. Payment received from Corporation Counsel Legal Disb. (register) (Entered: 08/02/2018)

08/15/2018 96 (E)Hearing Continued (RE: 90 Dismiss Case for Other Reasons). hearing scheduled for 10/24/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/15/2018. (Dixon, Lisa) (Entered: 08/15/2018)

08/15/2018 97 (E)Hearing Continued (RE: 94 Modify Plan). hearing scheduled for 10/24/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/15/2018. (Dixon, Lisa) (Entered: 08/15/2018)

08/22/2018 98 (E)Hearing Continued (RE: 93 Dismiss for Failure to Make Plan Payments). hearing scheduled for 10/24/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/22/2018. (Dixon, Lisa) (Entered: 08/22/2018)

09/07/2018	99	Received Notification of Transmittal of Record from The U S District Court to The U S Court of Appeals Dated July 13, 2018. USDC Case Number: 18 cv 03820, USCA Case Number: 18-2527 (RE: 48 Notice of Appeal). (Green, Charlie) (Entered: 09/07/2018)
10/19/2018	100	Notice of Motion and Motion to Modify Plan Filed by John P Wonais on behalf of Robbin L Fulton. Hearing scheduled for 11/21/2018 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Proposed Order) (Wonais, John) (Entered: 10/19/2018)
10/24/2018	101	(E)Hearing Continued (RE: 93 Dismiss for Failure to Make Plan Payments). hearing scheduled for 11/21/2018 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 10/24/2018. (Dixon, Lisa) (Entered: 10/24/2018)
10/24/2018	102	(E)Order Withdrawing Trustee's Motion To Dismiss (Related Doc # 90 ). Signed on 10/24/2018. (Dixon, Lisa) (Entered: 10/24/2018)
10/24/2018	103	(E)Order Withdrawing Motion To Modify Plan (Related Doc # 94). Signed on 10/24/2018. (Roman, Felipe) (Entered: 10/24/2018)
11/21/2018	104	(E)Order Withdrawing Motion to Dismiss for Failure to Make Plan Payments (Related Doc # 93 ).

Signed on 11/21/2018. (Dixon, Lisa)  
(Entered: 11/21/2018)

11/21/2018 105 Order Modifying Chapter 13 Plan  
(1 pg) (RE: 16 Chapter 13 Plan/Amended  
Plan, 100 Motion to Modify Plan).  
Signed on 11/21/2018 (Roman, Fe-  
lipe) (Entered: 11/21/2018)

12/19/2018 106 Transfer of Claim. Transferor: CON-  
(3 pgs; SUMER PORTFOLIO SVC (Claim  
2 docs) No. 4, Amount 11934.44) To JEF-  
FERSON CAPITAL SYSTEMS  
LLC Fee Amount \$25 Filed by Jeffer-  
son Capital Systems, LLC. Objec-  
tions due by 01/9/2019. (Borgmann,  
Karen) (Entered: 12/19/2018)

12/19/2018 107 Receipt of Transfer of Claim(18-  
02860) [claims,trclm] ( 25.00) Filing  
Fee. Receipt number 38734998. Fee  
Amount \$ 25.00 (re:Doc# 106) (U.S.  
Treasury) (Entered: 12/19/2018)

12/22/2018 108 BNC Certificate of Notice – Notice  
(2 pgs) to Assignor of Assignment of Claim  
(RE: 106 Transfer of Claim). No. of  
Notices: 1. Notice Date 12/22/2018.  
(Admin.) (Entered: 12/22/2018)

03/06/2019 109 Notice of Motion and Motion to Dis-  
(2 pgs; miss Debtor for Failure to Make  
2 docs) Plan Payments Filed by Tom  
Vaughn Hearing scheduled for  
4/24/2019 at 10:00 AM at 219 South  
Dearborn, Courtroom 682, Chicago,  
Illinois 60604. (Attachments: # 1  
Proposed Order) (Vaughn, Tom)  
(Entered: 03/06/2019)

04/24/2019 110 (E)Hearing Continued (RE: 109

Dismiss for Failure to Make Plan Payments). hearing scheduled for 05/22/2019 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 04/24/2019. (Dixon, Lisa) (Entered: 04/24/2019)

05/22/2019 111 (E)Hearing Continued (RE: 109 Dismiss for Failure to Make Plan Payments). hearing scheduled for 08/28/2019 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 05/22/2019. (Dixon, Lisa) (Entered: 05/22/2019)

06/26/2019 112 Order Scheduling (RE: 39 Memorandum Opinion/Decision, 40 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay). Status hearing to be held on 7/3/2019 at 11:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. Signed on 6/26/2019 (Green, Charlie) (Entered: 06/27/2019)

06/26/2019 113 Certificate of Service (RE: 112 Order Scheduling). (Green, Charlie) (Entered: 06/27/2019)

07/03/2019 114 (E)Hearing Continued. Status hearing to be held on 07/10/2019 at 10:30 AM at Courtroom 682 219 South Dearborn, Chicago, IL, 60604.. Signed on 07/03/2019. (Mahoney, Sarah) (Entered: 07/03/2019)

07/10/2019 115 Hearing Concluded (RE: 114 Hearing Continued). (Utter, Matthew) (Entered: 07/10/2019)

07/10/2019 116 Notice of Motion and Motion to Modi-

(5 pgs; fy Plan Filed by John P Wonais on 2 docs) behalf of Robbin L Fulton. Hearing scheduled for 8/28/2019 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Wonais, John) (Entered: 07/10/2019)

07/10/2019 117 Agreed Order . Signed on 7/10/2019 (2 pgs) (Molina, Nilsa) (Entered: 07/11/2019)

07/12/2019 118 Order from Appeal Court Dated (1 pg) 6/19/2019 Re: Notice of Appeal on Appellate Case Number: 18-2527 Affirmed Re: Appeal on Civil Action Number: 18 cv 3820 (RE: 48 Notice of Appeal). Signed on 7/12/2019 (Myers, Melissa) (Entered: 07/12/2019)

07/19/2019 119 Notice of Motion and Motion to Dismiss Debtor for Failure to Turnover (2 pgs; 2 docs) Tax Return and Refund Filed by Tom Vaughn Hearing scheduled for 8/28/2019 at 10:30 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Vaughn, Tom) (Entered: 07/19/2019)

08/27/2019 120 Order By District Court Judge Manish S. Shah, Re: Appeal on Civil Action Number: 1:18-cv-03820, Dated 09/10/2018. MINUTE entry before the Honorable Manish S. Shah: Appellee's motion for leave to file supplemental authority 33 is granted, and no appearance on the motion is necessary. Appellant's motion for a stay Pending appeal 8 is denied.

This court remains of the view that the City's conduct did not violate the automatic stay, see *Chicago v. Kennedy*, 2018 WL 2087453 (N.D. Ill. 5/25/18), but since the City acknowledges that a Possessory lien can be retained and enforced in the future if its Possession is involuntarily lost (e.g., due to a court order), the balance of harms favors appellee. Fulton's need for the car is greater than the City's while the appeal is Pending. It may be that the City would be irreparably harmed if the car were destroyed or sold, but that contingency is outweighed by the concrete harm to appellee from the loss of access to the car. Finally, the big Picture here is about setting circuit Precedent--something the City can Pursue without a stay--while the smaller stakes of the Possession of one car weighs heavily on the individual debtor. This court's temporary stay 10 is vacated. (RE: 48 Notice of Appeal). Signed on 8/27/2019 (USDC2) (Entered: 08/27/2019)

08/28/2019	121 (2 pgs; 2 docs)	(E)Order Granting Motion to Dismiss Debtor for Failure to Make Plan Payments (Related Doc # 109 ). Signed on 08/28/2019. (Johnson, Carly) (Entered: 08/28/2019)
08/28/2019	122	(E)Order Withdrawing Trustee's Motion To Dismiss (Related Doc # 119 ). Signed on 08/28/2019. (John-

son, Carly) (Entered: 08/28/2019)

08/28/2019 123 Order Denying Motion To Modify  
(1 pg) Plan (Related Doc # 116). Signed on  
8/28/2019. (Molina, Nilsa) (Entered:  
08/29/2019)

08/31/2019 124 BNC Certificate of Notice – are No-  
(2 pgs) tice of Dismissal (RE: 121 Order on  
Motion Dismiss for Failure to Make  
Plan Payments). No. of Notices: 8.  
Notice Date 08/31/2019. (Admin.)  
(Entered: 08/31/2019)

09/24/2019 125 Substitution of Attorney Filed by  
(3 pgs) Charles A King on behalf of City of  
Chicago, an Illinois Municipal Corpo-  
ration. (King, Charles) (Entered:  
09/24/2019)

09/27/2019 126 Chapter 13 Final Report and Ac-  
(3 pgs) count Filed by Trustee Tom Vaughn.  
(Vaughn, Tom) (Entered:  
09/27/2019)

09/30/2019 127 Bankruptcy Case Closed and Trus-  
tee Discharged . (Mendoza, Cather-  
ine) (Entered: 09/30/2019)

**DOCKET ENTRIES IN CASE NO. 17-25141  
IN THE U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
(EASTERN DIVISION)**

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
08/22/2017	1 (41 pgs)	Chapter 13 Voluntary Petition for an Individual Fee Amount \$0, Filed by John A Haderlein on behalf of Jason Scott Howard Government Proof of Claim due by 02/20/2018.Chapter 13 Plan due by 09/5/2017. (Haderlein, John) (Entered: 08/22/2017)
08/22/2017	2	Meeting of Creditors with 341(a) meeting to be held on 09/18/2017 at 03:00 PM at 55 East Monroe Street, Suite 3850, Chicago, Illinois 60603. Confirmation hearing to be held on 10/16/2017 at 10:30 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. Proof of Claim due by 12/18/2017. Objection to Dischargeability due by 11/17/2017. (Haderlein, John) (Entered: 08/22/2017)
08/22/2017	3 (12 pgs)	Statement of Financial Affairs for Individual Filed by John A Haderlein on behalf of Jason Scott Howard. (Haderlein, John) (Entered: 08/22/2017)
08/22/2017	4 (8 pgs)	Disclosure of Compensation of Attorney for Debtor Filed by John A Haderlein on behalf of Jason Scott Howard. (Haderlein, John) (Entered: 08/22/2017)
08/22/2017	5	Notice CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S)



- (5 pgs) UNDER§ 342(b) OF THE BANKRUPTCY CODE Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 1 Voluntary Petition (Chapter 13)). (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 6 Statement About Your Social Security Numbers Filed by John A Haderlein on behalf of Jason Scott Howard. (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 7 Chapter 13 Statement of Your Current  
(3 pgs) Monthly Income and Calculation of Commitment Period for 3 Years (Form 122C-1) Disposable Income Is Not Determined Filed by John A Haderlein on behalf of Jason Scott Howard. (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 8 Certificate of Credit Counseling Filed  
(1 pg) by John A Haderlein on behalf of Jason Scott Howard. (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 9 Chapter 13 Plan Filed by John A  
(6 pgs) Haderlein on behalf of Jason Scott Howard (RE: 1 Voluntary Petition (Chapter 13)). (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 10 Application to Pay Filing Fees in In-  
(2 pgs; stallments Filed by John A Haderlein  
2 docs) on behalf of Jason Scott Howard. Final Installment Payment due by 12/20/2017. (Attachments: # 1 Proposed Order) (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 11 Notice of Motion and Application for

- (11 pgs; Compensation for John A Haderlein, 3 docs) Debtor's Attorney, Fee: \$4,000.00, Expenses: \$0.00. Filed by John A Haderlein. Hearing scheduled for 10/16/2017 at 10:30 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 EXECUTED CARA AGREEMENT # 2 Proposed Order) (Haderlein, John) (Entered: 08/22/2017)
- 08/22/2017 12 Notice of Motion and Motion to Impose (5 pgs; Automatic Stay Filed by John A 2 docs) Haderlein on behalf of Jason Scott Howard. Hearing scheduled for 9/11/2017 at 09:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Haderlein, John) (Entered: 08/22/2017)
- 08/23/2017 13 Notice of Deficiency given to Debtor(s) (1 pg) that the following document(s) were due at the time of filing and are deficient: Signature(s) of Debtor(s) are missing from the Voluntary Petition. Please file the signature page(s) as an Attachment to the Voluntary Petition. Signature(s) of Debtor(s) are missing from Declaration About an Individual Debtor(s) Schedules. Please re-file as Amended. (RE: 1 Voluntary Petition (Chapter 13)). (Molina, Nilsa) (Entered: 08/23/2017)
- 08/23/2017 14 Notice of Chapter 13 Bankruptcy Case (2 pgs) . (Molina, Nilsa) (Entered: 08/23/2017)
- 08/23/2017 15 Attachment(s) Signature Page Related

- (1 pg) to Voluntary Petition Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 1 Voluntary Petition (Chapter 13)). (Haderlein, John) (Entered: 08/23/2017)
- 08/23/2017 16 (1 pg) Declaration About Individual Debtor's Schedules Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 1 Voluntary Petition (Chapter 13), 3 Statement of Financial Affairs, 6 Statement About Social Security Numbers, 7 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form 122C-1), 8 Certificate of Credit Counseling). (Haderlein, John) (Entered: 08/23/2017)
- 08/23/2017 17 (1 pg) Declaration About Individual Debtor's Schedules Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 1 Voluntary Petition (Chapter 13), 3 Statement of Financial Affairs, 6 Statement About Social Security Numbers, 7 Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form 122C-1), 8 Certificate of Credit Counseling). (Haderlein, John) (Entered: 08/23/2017)
- 08/23/2017 18 (3 pgs) BNC Certificate of Notice – Meeting of Creditors. (RE: 14 Notice of Chapter 13 Bankruptcy Case). No. of Notices: 5. Notice Date 08/25/2017. (Admin.) (Entered: 08/25/2017)
- 08/23/2017 19 BNC Certificate of Notice – Notice of

- (2 pgs) Deficiency Filing (RE: 13 Notice of Deficiency Chapter 13). No. of Notices: 1. Notice Date 08/25/2017. (Admin.) (Entered: 08/25/2017)
- 08/23/2017 20 BNC Certificate of Notice – PDF Document. (RE: 9 Chapter 13 Plan/Modified Plan). No. of Notices: 5. Notice Date 08/25/2017. (Admin.) (Entered: 08/25/2017)
- 09/05/2017 21 Order Granting Application To Pay Filing Fees In Installments (Related Doc # 10). Final Installment Payment due by 10/26/2017. Signed on 9/5/2017. (Mendoza, Catherine) (Entered: 09/06/2017)
- 09/06/2017 22 BNC Certificate of Notice. (RE: 21 Order on Motion to Pay Filing Fees in Installments). No. of Notices: 2. Notice Date 09/08/2017. (Admin.) (Entered: 09/08/2017)
- 09/11/2017 23 (E)Hearing Continued (RE: 12 Impose Automatic Stay). hearing scheduled for 10/16/2017 at 10:30 AM at Courtroom 680 219 South Dearborn, Chicago, IL, 60604.. Signed on 09/11/2017. (Green, Josephine) (Entered: 09/11/2017)
- 09/11/2017 24 Order Granting Motion To Impose Automatic Stay up to 10/16/17 at 10:30 AM (Related Doc # 12). Signed on 9/11/2017. (Mendoza, Catherine) (Entered: 09/13/2017)
- 09/19/2017 25 Statement Adjourning Meeting of Creditors. Section 341(a) Meeting Continued on 10/3/2017 at 01:00 PM at

55 East Monroe Street, Suite 3850,  
Chicago, Illinois 60603. (Vaughn, Tom)  
(Entered: 09/19/2017)

10/04/2017 26 Meeting of Creditors Held (Vaughn,  
Tom) (Entered: 10/04/2017)

10/04/2017 27 Receipt of Chapter 13 Installment  
Payment – \$80.00 by MU. Receipt  
Number 3228666. Payment received  
from John A Haderlein. (register) (En-  
tered: 10/05/2017)

10/06/2017 28 Modified Chapter 13 Plan Filed by  
(5 pgs) John A Haderlein on behalf of Jason  
Scott Howard. (Haderlein, John) (En-  
tered: 10/06/2017)

10/10/2017 29 BNC Certificate of Notice – PDF Doc-  
(6 pgs) ument. (RE: 28 Chapter 13  
Plan/Modified Plan). No. of Notices: 5.  
Notice Date 10/12/2017. (Admin.) (En-  
tered: 10/12/2017)

10/16/2017 30 Proposed Order – ORDER ON MO-  
(1 pg) TION TO IMPOSE AUTOMATIC  
STAY Filed by John A Haderlein on  
behalf of Jason Scott Howard (RE: 12  
Motion to Impose Automatic Stay, 24  
Order on Motion to Impose Automatic  
Stay). (Haderlein, John) (Entered:  
10/16/2017)

10/16/2017 31 Proposed Order – ORDER ON MO-  
(1 pg) TION TO IMPOSE AUTOMATIC  
STAY Filed by John A Haderlein on  
behalf of Jason Scott Howard (RE: 12  
Motion to Impose Automatic Stay, 24  
Order on Motion to Impose Automatic  
Stay, 30 Proposed Order). (Haderlein,  
John) (Entered: 10/16/2017)

- 10/16/2017 33 Order Denying Application For Compensation (Related Doc # 11). Denying for John A Haderlein. Signed on 10/16/2017. (Mendoza, Catherine) (Entered: 10/19/2017)  
(1 pg)
- 10/16/2017 34 Order Confirming Chapter 13 Plan (RE: 28 Chapter 13 Plan/Modified Plan). Signed on 10/16/2017 (Mendoza, Catherine) (Entered: 10/19/2017)  
(1 pg)
- 10/18/2017 32 Order Granting Motion To Impose Automatic Stay (Related Doc # 12). Signed on 10/18/2017. (Mendoza, Catherine) (Entered: 10/19/2017)  
(1 pg)
- 10/20/2017 35 **PDF Error, Filer to Refile** Notice of (11 pgs; Motion and Application for Compensation for John A Haderlein, Debtor's Attorney, Fee: \$4,000.00, Expenses: \$0.00. Filed by John A Haderlein. Hearing scheduled for 10/30/2017 at 09:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 EXECUTED CARA AGREEMENT # 2 Proposed Order) (Haderlein, John) Modified on 10/23/2017 (Gomez, Denise). (Entered: 10/20/2017)  
(3 docs)
- 10/20/2017 36 Amended Schedules I,J,with Declaration Filed by John A Haderlein on behalf of Jason Scott Howard. (Attachments: # 1 DECLARATION) (Haderlein, John) (Entered: 10/20/2017)  
(6 pgs; 2 docs)
- 10/20/2017 37 Notice of Motion and Motion to Modify Plan, Notice of Motion and Motion to Shorten MODIFY PLAN and SHORTEN NOTICE Filed by John A  
(11 pgs; 2 docs)

Haderlein on behalf of Jason Scott Howard. Hearing scheduled for 10/30/2017 at 09:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Haderlein, John) (Entered: 10/20/2017)

10/23/2017 38 CORRECTIVE ENTRY: PDF Error, Filer to Refile (RE: 35 Application for Compensation). (Gomez, Denise) (Entered: 10/23/2017)

10/23/2017 39 Notice of Motion and Application for (11 pgs; Compensation for John A Haderlein, 2 docs) Debtor's Attorney, Fee: \$4,000.00, Expenses: \$0.00. Filed by John A Haderlein. Hearing scheduled for 10/30/2017 at 09:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Haderlein, John) (Entered: 10/23/2017)

10/24/2017 40 Court's Motion to Dismiss for Failure (1 pg) to Pay Filing Fees Balance Due 230.00 Hearing scheduled for 11/13/2017 at 10:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (McMullen, Charles) (Entered: 10/24/2017)

10/24/2017 41 BNC Certificate of Notice – Hearing. (2 pgs) (RE: 40 Court's Motion to Dismiss for Failure to Pay Filing Fees). No. of Notices: 3. Notice Date 10/26/2017. (Admin.) (Entered: 10/26/2017)

10/30/2017 42 (E)Hearing Continued (RE: 39 Compensation WITH Notice of Motion).

- hearing scheduled for 11/06/2017 at 10:00 AM at Courtroom 680 219 South Dearborn, Chicago, IL, 60604.. Signed on 10/30/2017. (Myers, Melissa) (Entered: 10/30/2017)
- 10/30/2017 43 Proposed Order – AMENDED ORDER ALLOWING CHAPTER 13 COMPENSATION UNDER COURT-APPROVED RETENTION AGREEMENT Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 39 Application for Compensation). (Haderlein, John) (Entered: 10/30/2017)  
(1 pg)
- 10/30/2017 44 Order Modifying Chapter 13 Plan (RE: 28 Chapter 13 Plan/Modified Plan, 37 Motion to Modify Plan, Shorten). Signed on 10/30/2017 (Mendoza, Catherine) (Entered: 10/31/2017)  
(1 pg)
- 11/06/2017 45 Amended Order Granting Application For Compensation (Related Doc # 39). John A Haderlein, fees awarded: \$4000.00, expenses awarded: \$0.00. Signed on 11/6/2017. (Roman, Felipe) (Entered: 11/07/2017)  
(1 pg)
- 11/13/2017 46 HOD Notification re: Filing Fee – Final Payment – **Paid in Full** (RE: 40 Court’s Motion to Dismiss for Failure to Pay Filing Fees). (Utter, Matthew) (Entered: 11/13/2017)
- 11/13/2017 47 (E) Text Only: Order Denying for the Reasons Stated on the Record Court’s Motion to Dismiss for Failure to Pay Filing Fees (Related Doc # 40 ). Signed on 11/13/2017. (Green, Josephine) (En-



		tered: 11/13/2017)
11/13/2017	48	Receipt of Chapter 13 Installment Payment - \$230.00 by MU. Receipt Number 3229352. Payment received from Jason Scott Howard. (register) (Entered: 11/14/2017)
11/13/2017	49	Filing Fee Paid In Full. (Poindexter, Haley) (Entered: 11/14/2017)
12/01/2017	50	Notice of Motion and Motion to Dismiss Debtor for Failure to Make Plan Payments Filed by Tom Vaughn Hearing scheduled for 12/18/2017 at 9:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Vaughn, Tom) (Entered: 12/01/2017)
	(2 pgs; 2 docs)	
12/18/2017	51	(E)Hearing Continued (RE: 50 Dismiss for Failure to Make Plan Payments). hearing scheduled for 01/22/2018 at 10:00 AM at Courtroom 680 219 South Dearborn, Chicago, IL, 60604.. Signed on 12/18/2017. (Green, Josephine) (Entered: 12/18/2017)
12/29/2017	52	Amended Schedules I,J, Filed by John A Haderlein on behalf of Jason Scott Howard. (Haderlein, John) (Entered: 12/29/2017)
	(5 pgs)	
12/29/2017	53	Declaration About Individual Debtor's Schedules Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 52 Schedules). (Haderlein, John) (Entered: 12/29/2017)
	(1 pg)	
12/29/2017	54	Haderlein on behalf of Jason Scott Howard. Hearing scheduled for 1/22/2018 at 09:00 AM at 219 South
	(24 pgs; 2 docs)	

Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Haderlein, John) (Entered: 12/29/2017)

01/04/2018 55 Proposed Order – AMENDED ORDER ON MOTION TO MODIFY PLAN Filed by John A Haderlein on behalf of Jason Scott Howard (RE: 54 Motion to Modify Plan). (Haderlein, John) (Entered: 01/04/2018)

(1 pg)

01/22/2018 56 (E)Hearing Continued (RE: 54 Modify Plan). Hearing scheduled for 02/26/2018 at 11:00 AM at Courtroom 680 219 South Dearborn, Chicago, IL, 60604.. Signed on 01/22/2018. (Green, Josephine) (Entered: 01/22/2018)

01/22/2018 57 (E)Order Withdrawing Motion to Dismiss for Failure to Make Plan Payments (Related Doc # 50 ). Signed on 01/22/2018. (Green, Josephine) (Entered: 01/22/2018)

01/22/2018 59 Order Rule to Show Cause for City of Chicago, Arnold Harris PC. Hearing scheduled for 2/26/2018 at 11:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. Signed on 1/22/2018 (Mendoza, Catherine) (Entered: 01/23/2018)

(1 pg)

01/23/2018 58 Appearance Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (Holtkamp, David) (Entered: 01/23/2018)

(1 pg)

02/13/2018 60 Response to (related document(s): 59 (21 pgs; Order Show Cause/Rule to Show Cause) Filed by David Paul Holtkamp

2 docs)

- on behalf of City of Chicago, an Illinois Municipal Corporation (Attachments: # 1 Exhibit A) (Holtkamp, David) (Entered: 02/13/2018)
- 02/22/2018 61 Order Scheduling (RE: 59 Order Show Cause/Rule to Show Cause). Reset Hearing scheduled for 3/5/2018 at 11:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. Signed on 2/22/2018 (Mendoza, Catherine) (Entered: 02/22/2018)
- 02/26/2018 62 (E)Hearing Continued (RE: 54 Modify Plan). Hearing scheduled for 03/05/2018 at 11:00 AM at Courtroom 680 219 South Dearborn, Chicago, IL, 60604.. Signed on 02/26/2018. (Dixon, Lisa) (Entered: 02/26/2018)
- 04/16/2018 63 Memorandum Opinion (RE: 54 Motion to Modify Plan). (Roman, Felipe) (Entered: 04/16/2018)
- 04/16/2018 64 Order Denying Motion To Modify Plan (1 pg) (Related Doc # 54). Signed on 4/16/2018. (Roman, Felipe) (Entered: 04/16/2018)
- 04/16/2018 65 Order Imposing Sanctions on Rule to Show Cause (RE: 63 Memorandum Opinion/Decision). Signed on 4/16/2018 (Roman, Felipe) (Entered: 04/16/2018)
- 04/16/2018 66 Notice of Appeal to District Court. (6 pgs; Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Fee Amount \$298 (RE: 63 Memorandum Opinion/Decision, 65 Order (Generic)). Appellant Designation due by 04/30/2018.

Transmission of Record Due no later than 05/16/2018. (Attachments: # 1 Civil Cover Sheet)(Holtkamp, David) (Entered: 04/16/2018)

04/16/2018 67 Transcript Ordered Re: Notice of Appeal for hearing(s) held on Jan. 22, 2018, at 9:00 a.m., and March 5, 2018, at 10:30 a.m. Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 66 Notice of Appeal). (Holtkamp, David) (Entered: 04/16/2018)

(1 pg)

04/17/2018 68 Certificate of Service (RE: 66 Notice of Appeal). (Green, Charlie) (Entered: 04/17/2018)

(1 pg)

04/17/2018 69 Transmittal of Notice of Appeal to District Court (RE: 66 Notice of Appeal). (Green, Charlie) (Entered: 04/17/2018)

04/17/2018 70 Receipt of Notice of Appeal – \$298.00 by LM. Receipt Number 3232048. Payment received from Corporation Counsel. (register) (Entered: 04/18/2018)

04/17/2018 71 Filing Fee Paid In Full . (Poindexter, Haley) (Entered: 04/18/2018)

04/17/2018 74 Notice of Docketing Notice of Appeal, to District Court . Case Number 18 cv 02753 Assigned to Judge: Manish S. Shah (RE: 66 Notice of Appeal). (Green, Charlie) (Entered: 04/19/2018)

(1 pg)

04/18/2018 72 **See Docket #70** Receipt of Notice of Appeal(17-25141) [appeal,ntcap] ((Horn, Fred) (re:Doc66) (Horn) Modified on 4/18/2018 (Horn, Fred). (Entered: 04/18/2018)

- 04/18/2018 73 Notice of Motion and Motion to Dismiss Debtor for Failure to Make Plan Payments Filed by Tom Vaughn Hearing scheduled for 5/7/2018 at 9:00 AM at 219 South Dearborn, Courtroom 680, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Vaughn, Tom) (Entered: 04/18/2018)
- 04/19/2018 75 Amended Memorandum Opinion (RE: 54 Motion to Modify Plan, 63 Memorandum Opinion/Decision). (Mendoza, Catherine) (Entered: 04/19/2018)
- 04/19/2018 76 Amended Order (RE: 64 Order on Motion to Modify Plan). Signed on 4/19/2018 (Mendoza, Catherine) (Entered: 04/19/2018)
- 04/19/2018 77 Amended Order (RE: 65 Order (Generic)). Signed on 4/19/2018 (Mendoza, Catherine) (Entered: 04/19/2018)
- 04/19/2018 81 Second Amended Memorandum Opinion Nunc Pro Tunc to April 19, 2018 (RE: 54 Motion to Modify Plan, 63 Memorandum Opinion/Decision, 75 Memorandum Opinion/Decision). (Mendoza, Catherine) . (Entered: 05/04/2018)
- 04/19/2018 82 Amended Order (RE: 64 Order on Motion to Modify Plan). Nunc Pro Tunc Signed on 4/19/2018 (Mendoza, Catherine) (Entered: 05/04/2018)
- 04/19/2018 83 Amended Order (RE: 65 Order (Generic)). Nunc Pro Tunc to Signed on 4/19/2018 (Mendoza, Catherine) (Entered: 05/04/2018)
- 04/26/2018 78 Transcript regarding Hearing Held

- (4 pgs) 01/22/2018. Remote electronic access to the excerpt/transcript is restricted until 07/25/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 51 Hearing Motion Continued). Notice of Intent to Request Redaction Deadline Due By 5/10/2018. Redaction Request Due By 05/17/2018. Redacted Transcript Submission Due By 05/29/2018. Transcript access will be restricted through 07/25/2018. (Doolin, Amy) (Entered: 04/26/2018)
- 04/26/2018 79 Transcript regarding Hearing Held  
(8 pgs) 03/05/2018. Remote electronic access to the excerpt/transcript is restricted until 07/25/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 61 Order Scheduling). Notice of Intent to Request Redaction Deadline Due By 5/10/2018. Redaction Request Due By 05/17/2018. Redacted Transcript Submission Due By 05/29/2018. Transcript access will be restricted through 07/25/2018. (Doolin, Amy) (Entered: 04/26/2018)
- 04/27/2018 80 Appellant Designation of Contents for  
(11 pgs) Inclusion in Record and Statement of

Issue On Appeal Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 66 Notice of Appeal). Appellee designation due by 05/11/2018. (Holtkamp, David) (Entered: 04/27/2018)

05/07/2018 84 (E)Hearing Continued (RE: 73 Dismiss for Failure to Make Plan Payments). hearing scheduled for 05/21/2018 at 10:00 AM at Courtroom 680 219 South Dearborn, Chicago, IL, 60604.. Signed on 05/07/2018. (Green, Josephine) (Entered: 05/07/2018)

05/16/2018 85 Transmittal of Record on Appeal to District Court (RE: 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 05/16/2018)

05/16/2018 86 Notice of Docketing Record on Appeal to District Court . Case Number 18 cv 2753 Assigned to Judge: Manish S. Shah (RE: 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 05/16/2018)  
(1 pg)

05/21/2018 87 Order Granting Motion to Dismiss Debtor for Failure to Make Plan Payments (Related Doc # 73). Signed on 5/21/2018. (Garcia, Maria) (Entered: 05/23/2018)  
(2 pgs; 2 docs)

05/25/2018 88 BNC Certificate of Notice – Notice of Dismissal (RE: 87 Order on Motion Dismiss for Failure to Make Plan Payments). No. of Notices: 3. Notice Date 05/25/2018. (Admin.) (Entered: 05/25/2018)  
(2 pgs)

06/05/2018 89 Supplemental Appellant Designation of Contents For Inclusion in Record On  
(4 pgs)

- Appeal Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 66 Notice of Appeal). Appellee designation due by 06/19/2018. (Holtkamp, David) (Entered: 06/05/2018)
- 06/21/2018 90 Addendum to Record on Appeal . (RE: (1 pg) 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 06/21/2018)
- 06/26/2018 91 Chapter 13 Final Report and Account (3 pgs) Filed by Trustee Tom Vaughn. (Vaughn, Tom) (Entered: 06/26/2018)
- 08/30/2018 92 **Entered In Error, See Entry #93** Re- (1 pg) ceived Notice of Docketing Direct Appeal from U S Court of Appeals, Case Number: 18-2793 (RE: 66 Notice of Appeal). (Green, Charlie) Modified on 8/31/2018 (Brown, Venita). (Entered: 08/30/2018)
- 08/31/2018 93 Received Notification of Transmittal of (1 pg) Record from The U S District Court to The U S Court of Appeals Dated August 17, 2018. USDC Case Number: 18 cv 2753, USCA Case Number: 18-2793 (RE: 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 08/31/2018)
- 08/31/2018 94 CORRECTIVE ENTRY: Entered In Error, See Entry #93(RE: 92 Received Notice of Docketing Direct Appeal from U S C A). (Brown, Venita) (Entered: 08/31/2018)
- 08/31/2018 95 Order Granting Certification of Direct (2 pgs) Appeal – Filed in District Court Additional Fee Amount \$207 Required. Signed on 8/31/2018 (Gonzalez, Maribel)



(Entered: 08/31/2018)

08/31/2018	96	Receipt of Direct Appeal – \$207.00 by LM. Receipt Number 3234212. Payment received from Corporation Counsel. (register) (Entered: 09/04/2018)
09/04/2018	97 (1 pg)	Transmittal of Record on Appeal to Court of Appeals (RE: 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 09/04/2018)
07/12/2019	98 (1 pg)	Order from Appeal Court Dated 6/19/2019 Re: Notice of Appeal on Appellate Case Number: 18-2793 Affirmed Re: Appeal on Civil Action Number: 18 cv 2753 (RE: 66 Notice of Appeal). Signed on 7/12/2019 (Myers, Melissa) (Entered: 07/12/2019)
07/23/2019	99	Bankruptcy Case Closed and Trustee Discharged . (Green, Charlie) (Entered: 07/23/2019)

**DOCKET ENTRIES IN CASE NO. 18-16544  
IN THE U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
(EASTERN DIVISION)**

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
06/09/2018	1	Chapter 13 Voluntary Petition for an Individual Fee Amount \$310, Filed by Michael Spangler on behalf of George Peake Chapter 13 Plan due by 06/25/2018. (Spangler, Michael) (Entered: 06/09/2018)
06/09/2018	2	Meeting of Creditors with 341(a) meeting to be held on 07/09/2018 at 01:00 PM at 224 South Michigan, Suite 800, Chicago, Illinois 60604. Confirmation hearing to be held on 08/01/2018 at 10:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. Proof of Claim due by 08/20/2018. Government Proof of Claim due by 12/06/2018. Objection to Dischargeability due by 09/07/2018. (Spangler, Michael) (Entered: 06/09/2018)
06/09/2018	3	Statement About Your Social Security Numbers Filed by Michael Spangler on behalf of George Peake. (Spangler, Michael) (Entered: 06/09/2018)
06/09/2018	4	Certificate of Credit Counseling Filed (1 pg) by Michael Spangler on behalf of George Peake. (Spangler, Michael) (Entered: 06/09/2018)
06/09/2018	5	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 3 Years (3 pgs)

(Form 122C-1) Disposable Income Is Not Determined Filed by Michael Spangler on behalf of George Peake. (Spangler, Michael) (Entered: 06/09/2018)

06/09/2018 6 Chapter 13 Plan and (2) Request(s) for Valuation of Security Filed by Michael Spangler on behalf of George Peake. (Spangler, Michael) (Entered: 06/09/2018)

06/11/2018 7 Notice of Debtor's Prior Filings

Debtor	Case No	Note
George Peake	17-06669	Ch13 filed in Illinois Northern Bankruptcy on 03/06/2017, Dismissed for failure to make plan payments on 05/09/2018

(Admin) (Entered: 06/11/2018)

06/11/2018 8 Receipt of Voluntary Petition (Chapter 13)(18-16544) [misc,volp13a] (310.00) Filing Fee. Receipt number 37411474. Fee Amount \$ 310.00 (re:Doc# 1) (U.S. Treasury) (Entered: 06/11/2018)

06/11/2018 9 Notice of Chapter 13 Bankruptcy Case (2 pgs) . (Chavez, Baldo) (Entered: 06/11/2018)

06/11/2018 10 Proposed Order to Employer to Pay the Trustee Filed by Michael Spangler on behalf of George Peake. (Spangler, Michael) (Entered: 06/11/2018)

- 06/12/2018 11 Order to Employer to Pay the Trustee  
(1 pg) . Signed on 6/12/2018 (Gonzalez, Mari-  
bel) (Entered: 06/12/2018)
- 06/13/2018 12 Notice of Motion and Motion to Ex-  
(16 pgs; tend Automatic Stay Filed by Ryan P  
5 docs) Crotty on behalf of George Peake.  
Hearing scheduled for 6/20/2018 at  
09:30 AM at 219 South Dearborn,  
Courtroom 613, Chicago, Illinois 60604.  
(Attachments: # 1 Exhibit A # 2 Exhib-  
it B # 3 Exhibit C # 4 Proposed Order)  
(Crotty, Ryan) (Entered: 06/13/2018)
- 06/13/2018 13 BNC Certificate of Notice – Meeting  
(3 pgs) of Creditors. (RE: 9 Notice of Chap-  
ter 13 Bankruptcy Case). No. of No-  
tices: 7. Notice Date 06/13/2018.  
(Admin.) (Entered: 06/13/2018)
- 06/16/2018 14 BNC Certificate of Notice – PDF  
(9 pgs) Document. (RE: 6 Chapter 13  
Plan/Amended Plan). No. of Notices:  
8. Notice Date 06/16/2018. (Admin.)  
(Entered: 06/16/2018)
- 06/20/2018 15 (E)Order Granting Motion to Extend  
(1 pg) Automatic Stay (Related Doc # 12 .  
Signed on 06/20/2018. (Nelson, Fred-  
die) (Entered: 06/20/2018)
- 06/20/2018 16 Notice of Motion and Motion for Turn-  
(27 pgs; over of 2007 Lincoln MKZ from City of  
6 docs) Chicago to George Peake Filed by Aa-  
ron M Weinberg on behalf of George  
Peake. Hearing scheduled for  
6/27/2018 at 09:30 AM at 219 South  
Dearborn, Courtroom 613, Chicago,  
Illinois 60604. (Attachments: # 1 Ex-  
hibit A # 2 Exhibit B # 3 Exhibit C # 4

- Exhibit D # 5 Proposed Order) (Weinberg, Aaron) (Entered: 06/20/2018)
- 06/22/2018 17 Notice of Motion and Application for (17 pgs; Compensation for Elizabeth Placek, 2 docs) Debtor's Attorney, Fee: \$4000.00, Expenses: \$353.23. Filed by Elizabeth Placek. Hearing scheduled for 8/1/2018 at 10:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Placek, Elizabeth) (Entered: 06/22/2018)
- 06/27/2018 18 (E)Hearing Continued (RE: 1 6 Turnover). hearing scheduled for 07/11/2018 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604. Response is due on 7/5/2018. Reply is due on 7/9/2018.. Signed on 06/27/2018. (LeBeau, Brittany) (Entered: 06/27/2018)
- 07/05/2018 19 Response to (related document(s): 16 (48 pgs; Motion for Turnover) Filed by David 4 docs) Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C) (Holtkamp, David) (Entered: 07/05/2018)
- 07/05/2018 20 Notice of Motion and Motion for Leave (6 pgs; to Exceed Page Limit Filed by David 2 docs) Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Hearing scheduled for 7/11/2018 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Pro-

- posed Order) (Holtkamp, David) (Entered: 07/05/2018)
- 07/09/2018 21 Notice of Motion and Motion to Extend Time To File The Response Filed (5 pgs; 2 docs) by Ryan P Crotty on behalf of George Peake. Hearing scheduled for 7/11/2018 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Crotty, Ryan) (Entered: 07/09/2018)
- 07/10/2018 22 Meeting of Creditors Held (Marshall, Marilyn) (Entered: 07/10/2018)
- 07/10/2018 23 Reply to (related document(s): 19 Response) Filed by John P Wonais on behalf of George Peake (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D) (Wonais, John). . Modified on 7/12/2018 Creating relationship to document #19 Removing relationship to document #18 (Sullivan, Elizabeth). (Entered: 07/10/2018)
- 07/10/2018 24 Reply to (related document(s): 19 Response) Filed by John P Wonais on behalf of George Peake (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D) (Wonais, John) (Entered: 07/10/2018)
- 07/11/2018 25 (E)Hearing Continued (RE: 16 Turn-over). hearing scheduled for 08/01/2018 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 07/11/2018. (Smith, Lester) (Entered: 07/11/2018)
- 07/11/2018 26 (E)Order Granting Motion for Leave

- (1 pg) (Related Doc # 20 ). Signed on 07/11/2018. (Smith, Lester) (Entered: 07/11/2018)
- 07/11/2018 27 Order Granting Motion to Extend  
(1 pg) Time (Related Doc # 21). Response due by 7/10/2018. Signed on 7/11/2018. (Green, Charlie) (Entered: 07/12/2018)
- 07/12/2018 28 CORRECTIVE ENTRY: Creating relationship to document #19Removing relationship to document #18 (RE: 23 Reply). (Sullivan, Elizabeth) (Entered: 07/12/2018)
- 07/17/2018 29 Appearance Filed by Charles A King  
(1 pg) on behalf of City of Chicago, an Illinois Municipal Corporation. (King, Charles) (Entered: 07/17/2018)
- 07/29/2018 30 Amended Schedules I,J,with Declaration Filed by Ryan P Crotty on behalf of George Peake. (Crotty, Ryan) (Entered: 07/29/2018)
- 07/29/2018 31 Amended Chapter 13 Plan and (2) Request(s) for Valuation of Security Filed by Ryan P Crotty on behalf of George Peake. (Crotty, Ryan) (Entered: 07/29/2018)
- 07/31/2018 32 Notice of Hearing and Objection to  
(8 pgs; 3 Claim(s) 3 of Illinois Department of docs) Revenue Filed by Ryan P Crotty on behalf of George Peake. Hearing scheduled for 9/5/2018 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Proposed Order)(Crotty, Ryan) (Entered: 07/31/2018)

- 07/31/2018 33 Notice of Hearing and Objection to (9 pgs; Claim(s) 1 of Internal Revenue Service Filed by Ryan P Crotty on behalf of George Peake. Hearing scheduled for 9/5/2018 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Proposed Order)(Crotty, Ryan) (Entered: 07/31/2018)
- 08/01/2018 34 Proof of Service Filed by Ryan P (2 pgs) Crotty on behalf of George Peake (RE: 31 Chapter 13 Plan/Amended Plan). (Crotty, Ryan) (Entered: 08/01/2018)
- 08/01/2018 35 (E)Confirmation Hearing Continued. Confirmation Hearing to be held on 09/12/2018 at 10:30 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/01/2018. (Rodriguez, Shanda) (Entered: 08/01/2018)
- 08/01/2018 36 (E)Hearing Continued (RE: 16 Turnover). hearing scheduled for 08/08/2018 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/01/2018. (Rodriguez, Shanda) (Entered: 08/01/2018)
- 08/01/2018 37 (E)Hearing Continued (RE: 17 Compensation WITH Notice of Motion). hearing scheduled for 09/12/2018 at 10:30 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/01/2018. (Rodriguez, Shanda) (Entered: 08/01/2018)
- 08/08/2018 38 (E)Hearing Continued (RE: 16 Turnover). hearing scheduled for 08/15/2018 at 10:00 AM at Courtroom



613 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/08/2018. (Utter, Matthew) (Entered: 08/08/2018)

08/15/2018 39 (E)Hearing Continued (RE: 16 Turnover). hearing scheduled for 08/22/2018 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/15/2018. (Coleman, Velda) (Entered: 08/15/2018)

08/15/2018 40 Memorandum Opinion (RE: 16 Motion for Turnover). (Green, Charlie) (Entered: 08/15/2018)  
(32 pgs)

08/15/2018 41 Order Granting Motion for Turnover (1 pg) (Related Doc # 16). Signed on 8/15/2018. (Green, Charlie) (Entered: 08/15/2018)

08/15/2018 42 Certificate of Service (RE: 40 Memorandum Opinion/Decision, 41 Order on Motion for Turnover). (Green, Charlie) (Entered: 08/15/2018)  
(1 pg)

08/16/2018 43 Notice of Appeal to Court of Appeals. (5 pgs; Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Fee Amount \$298 (RE: 40 Memorandum Opinion/Decision, 41 Order on Motion for Turnover). Appellant Designation due by 08/30/2018. Transmission of Record Due no later than 09/17/2018. (Attachments: # 1 Civil Cover Sheet)(Holtkamp, David) (Entered: 08/16/2018)  
2 docs)

08/16/2018 44 Certification to Court of Appeals by all Parties (Form 424) Filed by David Paul Holtkamp on behalf of City of  
(2 pgs)

- Chicago, an Illinois Municipal Corporation (RE: 43 Notice of Appeal). (Holtkamp, David) (Entered: 08/16/2018)
- 08/16/2018 45 Receipt of Notice of Appeal – \$298.00 by CC. Receipt Number 3233992. Payment received from Corporation Counsel Legal Deis. (register) (Entered: 08/17/2018)
- 08/17/2018 46 **See Docket #45** Receipt of Notice of Appeal(18-16544) [appeal,ntcap] (Horn, Fred) (re: Doc43) (Horn) Modified on 8/17/2018 (Horn, Fred). (Entered: 08/17/2018)
- 08/17/2018 47 Notice of Motion and Motion To Stay (20 pgs; Pending Appeal Filed by David Paul 2 docs) Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Hearing scheduled for 8/22/2018 at 10:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Holtkamp, David) Modified on 8/21/2018 **Incorrect Proposed Order, See Entry 52** (Sullivan, Elizabeth). (Entered: 08/17/2018)
- 08/17/2018 48 Notice of Motion and Motion For Civil (4 pgs; 2 Contempt against The City of Chicago docs) Filed by Ryan P Crotty on behalf of George Peake. Hearing scheduled for 8/22/2018 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Crotty, Ryan) Modified on 8/21/2018 **Incorrect Notice of Mo-**

- tion (Sullivan, Elizabeth). (Entered: 08/17/2018)
- 08/20/2018 49 Notice of Withdrawal Filed by Ryan P  
(1 pg) Crotty on behalf of George Peake (RE: 48 Motion for Civil Contempt). (Crotty, Ryan) (Entered: 08/20/2018)
- 08/20/2018 50 Transcript Ordered Re: Notice of Ap  
(1 pg) peal for hearing(s) held on June 27, 2018 at 9:30 a.m.; July 11, 2018 at 10:00 a.m.; and August 1, 2018 at 10:00 a.m. Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 43 Notice of Appeal). (Holtkamp, David) (Entered: 08/20/2018)
- 08/20/2018 51 Appellant Designation of Contents for  
(10 pgs) Inclusion in Record and Statement of Issue On Appeal Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 43 Notice of Appeal). Appellee designation due by 09/4/2018. (Holtkamp, David) (Entered: 08/20/2018)
- 08/21/2018 52 Proposed Order – Granting Stay  
(1 pg) Pending Appeal Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (RE: 47 Motion To Stay Pending Appeal). (Holtkamp, David) (Entered: 08/21/2018)
- 08/21/2018 53 CORRECTIVE ENTRY: Incorrect Proposed Order, See Entry 52 (RE: 47 Motion To Stay Pending Appeal); Incorrect Notice of Motion (RE: 48 Motion for Civil Contempt). (Sullivan,

- Elizabeth) (Entered: 08/21/2018)
- 08/22/2018 54 Order Denying Motion To Stay Pending Appeal and the Debtor's vehicle (6 pgs) must be available for release by 5:00 p.m. on August 22, 2018. (Related Doc # 47) . Signed on 8/22/2018. (Green, Charlie) (Entered: 08/22/2018)
- 08/22/2018 55 Notice of Motion and Motion For Civil (20 pgs; Contempt against The City of Chicago 7 docs) Filed by Ryan P Crotty on behalf of George Peake. Hearing scheduled for 8/29/2018 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C # 5 Exhibit D # 6 Exhibit E) (Crotty, Ryan) (Entered: 08/22/2018)
- 08/22/2018 56 (E)Order Withdrawing Motion For Civil Contempt (Related Doc # 48). Signed on 8/22/2018. (Green, Charlie) (Entered: 08/23/2018)
- 08/23/2018 57 Transmittal of Certification for Direct (1 pg) Appeal to the U S Court of Appeals (RE: 44 Certification to Court of Appeals by all Parties (Form 424)). (Green, Charlie) (Entered: 08/23/2018)
- 08/27/2018 58 Received Notice of Docketing Direct (1 pg) Appeal from U S Court of Appeals, Case Number: 18-2835 (RE: 43 Notice of Appeal). (Gonzalez, Maribel) (Entered: 08/27/2018)
- 08/28/2018 63 Order Granting Certification of Direct (2 pgs) Appeal Additional Fee Amount \$207 Required. (RE: 44 Certification to

- Court of Appeals by all Parties (Form 424). Signed on 8/28/2018 (Gonzalez, Maribel) (Entered: 08/30/2018)
- 08/29/2018 59  
(3 pgs) Transcript regarding Hearing Held 06/27/2018. Remote electronic access to the excerpt/transcript is restricted until 11/27/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 16 Motion for Turnover). Notice of Intent to Request Redaction Deadline Due By 9/12/2018. Redaction Request Due By 09/19/2018. Redacted Transcript Submission Due By 10/1/2018. Transcript access will be restricted through 11/27/2018. (Doolin, Amy) (Entered: 08/29/2018)
- 08/29/2018 60  
(4 pgs) Transcript regarding Hearing Held 07/11/2018. Remote electronic access to the excerpt/transcript is restricted until 11/27/2018. The excerpt/transcript may be viewed at the Bankruptcy Court Clerk's Office. For additional information, contact the Court Reporter A Doolin, Telephone number 312-986-1920. (RE: related document(s) 18 Hearing Motion Continued). Notice of Intent to Request Redaction Deadline Due By 9/12/2018. Redaction Request Due By 09/19/2018. Redacted Transcript Submission Due By 10/1/2018. Transcript access will be

restricted through 11/27/2018. (Doolin, Amy) (Entered: 08/29/2018)

08/29/2018 61 Order Granting Motion For Civil Con-  
(1 pg) tempt (Related Doc #  
55). Signed on 8/29/2018. (Gonzalez, Maribel) (Entered: 08/29/2018)

08/29/2018 62 Appellee Designation of Contents for  
(4 pgs) Inclusion in Record of Appeal Filed by John P Wonais on behalf of George Peake. (RE: 43 Notice of Appeal, 51 Appellant Designation and Statement of Issue). (Wonais, John) (Entered: 08/29/2018)

08/31/2018 64 Receipt of Direct Appeal – \$207.00 by  
LM. Receipt Number 3234213. Payment received from Corporation Counsel. (register) (Entered: 09/04/2018)

09/04/2018 65 Transmittal of Record on Appeal to  
(1 pg) Court of Appeals (RE: 43 Notice of Appeal). (Gonzalez, Maribel) (Entered: 09/04/2018)

09/05/2018 66 Notice of Appeal to District Court.  
(5 pgs; 2 docs) Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Fee Amount \$298 (RE: 61 Order on Motion for Civil Contempt). Appellant Designation due by 09/19/2018. Transmission of Record Due no later than 10/5/2018. (Attachments: # 1 Civil Cover Sheet)(Holtkamp, David) (Entered: 09/05/2018)

09/05/2018 67 Appellant Designation of Contents for  
(4 pgs) Inclusion in Record and Statement of

Issue On Appeal Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. (RE: 66 Notice of Appeal). Appellee designation due by 09/19/2018. (Holtkamp, David) (Entered: 09/05/2018)

09/05/2018 68 Order Allowing Claim(s) 3 (RE: 32 (1 pg) Objection to Claim). Signed on 9/5/2018 (Gonzalez, Maribel) (Entered: 09/05/2018)

09/05/2018 69 Order Allowing Claim(s) 1 (RE: 33 (1 pg) Objection to Claim). Signed on 9/5/2018 (Gonzalez, Maribel) (Entered: 09/05/2018)

09/06/2018 70 Certificate of Service (RE: 66 Notice (1 pg) of Appeal). (Gonzalez, Maribel) (Entered: 09/06/2018)

09/06/2018 71 Transmittal of Notice of Appeal to District Court (RE: 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 09/06/2018)

09/06/2018 72 Notice of Docketing Notice of Appeal, (1 pg) to District Court . Case Number 18 cv 6089 Assigned to Judge: Robert M. Dow, Jr (RE: 66 Notice of Appeal). (Gonzalez, Maribel) (Entered: 09/06/2018)

09/06/2018 73 Receipt of Notice of Appeal – \$298.00 by AH. Receipt Number 3234291. Payment received from Corporation Counsel. (register) (Entered: 09/07/2018)

09/07/2018 74 **See Docket #73** Receipt of Notice of Appeal(18-16544) [appeal,ntcapl] (Horn, Fred) (re:Doc66) (Horn) Modi-

- 09/07/2018 75  
(3 pgs) Transcript regarding Hearing Held  
06/27/2018. Remote electronic access  
to the excerpt/transcript is restricted  
until 12/6/2018. The excerpt/transcript  
may be viewed at the Bankruptcy  
Court Clerk's Office. For additional  
information, contact the Court Re-  
porter A Doolin, Telephone number  
312-986-1920. (RE: related docu-  
ment(s) 16 Motion for Turnover). No-  
tice of Intent to Request Redaction  
Deadline Due By 9/21/2018. Redaction  
Request Due By 09/28/2018. Redacted  
Transcript Submission Due By  
10/9/2018. Transcript access will be  
restricted through 12/6/2018. (Doolin,  
Amy) (Entered: 09/07/2018)
- 09/12/2018 76  
(1 pg) Order Confirming Chapter 13 Plan  
(RE: 31 Chapter 13 Plan/Amended  
Plan). Signed on 9/12/2018 (Green,  
Charlie) (Entered: 09/13/2018)
- 09/12/2018 77  
(1 pg) Order Granting Application For Com-  
pensation (Related Doc # 17). Eliza-  
beth Placek, fees awarded: \$4000.00,  
expenses awarded: \$353.23. Signed  
on 9/12/2018. (Green, Charlie) (En-  
tered: 09/13/2018)
- 10/05/2018 78  
Transmittal of Record on Appeal to  
District Court (RE: 66 Notice of Ap-  
peal). (Green, Charlie) (Entered:  
10/05/2018)
- 10/05/2018 79  
(1 pg) Notice of Docketing Record on Appeal  
to District Court . Case Number 18 cv



06089 Assigned to Judge: Robert M. Dow Jr (RE: 66 Notice of Appeal). (Green, Charlie) (Entered: 10/05/2018)

02/04/2019 80 Notice of Motion and Motion to Dismiss Debtor for Failure to Make Plan Payments Filed by Marilyn O Marshall Hearing scheduled for 2/13/2019 at 9:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Olivadoti, O.) (Entered: 02/04/2019)

(2 pgs; 2 docs)

02/12/2019 81 Amended Proposed Order to Employer to Pay the Trustee Filed by Rodion Leshinsky on behalf of George Peake. (Leshinsky, Rodion) (Entered: 02/12/2019)

(1 pg)

02/12/2019 82 Notice of Motion and Motion to Modify Plan Filed by Rodion Leshinsky on behalf of George Peake. Hearing scheduled for 3/20/2019 at 09:30 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Leshinsky, Rodion) (Entered: 02/12/2019)

(6 pgs; 2 docs)

02/13/2019 83 Amended Order (RE: 11 Order to Employer to Pay the Trustee). Signed on 2/13/2019 (Garcia, Maria) (Entered: 02/13/2019)

(1 pg)

02/13/2019 84 (E)Hearing Continued (RE: 80 Dismiss for Failure to Make Plan Payments). hearing scheduled for 03/20/2019 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 02/13/2019. (Smith, Lester) (Entered: 02/13/2019)

- 03/20/2019 85 (E)Hearing Continued (RE: 82 Modify Plan). hearing scheduled for 04/17/2019 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 03/20/2019. (Smith, Lester) (Entered: 03/20/2019)
- 03/20/2019 86 (E)Hearing Continued (RE: 80 Dismiss for Failure to Make Plan Payments). hearing scheduled for 04/17/2019 at 10:00 AM at Courtroom 613 219 South Dearborn, Chicago, IL, 60604.. Signed on 03/20/2019. (Smith, Lester) (Entered: 03/20/2019)
- 04/17/2019 87 (E)Order Withdrawing Motion to Dismiss for Failure to Make Plan Payments (Related Doc # 80). Signed on 04/17/2019. (Smith, Lester) (Entered: 04/17/2019)
- 04/17/2019 88 Order Modifying Chapter 13 Plan (1 pg) (RE: 31 Chapter 13 Plan/Amended Plan, 82 Motion to Modify Plan). Signed on 4/17/2019 (Collopy-Norris, Katherine) (Entered: 04/18/2019)
- 07/12/2019 89 Order from Appeal Court Dated (1 pg) 6/19/2019 Re: Direct Appeal on Appellate Case Number: 18-2835 Affirmed (RE: 43 Notice of Appeal). Signed on 7/12/2019 (Myers, Melissa) (Entered: 07/12/2019)
- 09/20/2019 90 Order By District Court Judge Robert (2 pgs; M. Dow, Jr, Re: Appeal on Civil Action Number: 1:18-cv-06089, Dated 2 docs) 9/19/2019. Consistent with the Court's order of 9/10/2019 summarily affirming the bankruptcy court's decision in this

matter, a separate final judgment order will be entered nunc pro tunc to 9/10/2019. Appellants motion for reconsideration 14 is taken under advisement and without objection from Appellee will be held in abeyance pending the disposition of Appellant's petition for a writ of certiorari. Counsel are advised to notify the Court within 7 days of the Supreme Court's ruling on the petition. Civil case terminated. (RE: 66 Notice of Appeal). Signed on 9/20/2019 (Attachments: # 1 Attachment Judgment In a Civil Case) (USDC2) (Entered: 09/20/2019)

- 09/24/2019 91 Substitution of Attorney Filed by  
(3 pgs) Charles A King on behalf of City of Chicago, an Illinois Municipal Corporation. (King, Charles) (Entered: 09/24/2019)
- 01/22/2020 92 Notice of Motion and Motion to Dis-  
(2 pgs; miss Debtor for Failure to Make Plan  
2 docs) Payments Filed by Marilyn O Marshall Hearing scheduled for 1/29/2020 at 9:00 AM at 219 South Dearborn, Courtroom 613, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Olivadoti, O.) (Entered: 01/22/2020)

**DOCKET ENTRIES IN CASE NO. 18-4116  
IN THE U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
(EASTERN DIVISION)**

- 02/15/2018      1      Chapter 13 Voluntary Petition for an  
(60 pgs; Individual Fee Amount \$310, Filed by  
2 docs) Andrew C Marzan on behalf of Timothy  
Shannon Chapter 13 Plan due by  
03/1/2018. (Attachments: # 1 Signature  
Pages) (Marzan, Andrew) (Entered: 02/15/2018)
- 02/15/2018      2      Chapter 13 Plan and (1) Request(s) for  
(5 pgs) Assumption of Executory Contracts  
and Unexpired Leases Filed by Andrew C  
Marzan on behalf of Timothy Shannon.  
(Marzan, Andrew) Modified on 2/16/2018  
to correct docket text (Sirmons, Dornesa).  
(Entered: 02/15/2018)
- 02/15/2018      3      Chapter 13 Statement of Your Current  
(4 pgs) Monthly Income and Calculation of  
Commitment Period for 3 Years (Form 122C-1)  
Disposable Income Is Not Determined Filed  
by Andrew C Marzan on behalf of Timothy  
Shannon. (Marzan, Andrew) (Entered: 02/15/2018)
- 02/15/2018      4      Statement About Your Social Security  
Numbers Filed by Andrew C Marzan on  
behalf of Timothy Shannon. (Marzan,  
Andrew) (Entered: 02/15/2018)
- 02/15/2018      5      Certificate of Credit Counseling Filed  
(1 pg) by Andrew C Marzan on behalf of  
Timothy Shannon. (Marzan, Andrew)  
(Entered: 02/15/2018)

- 02/15/2018 6 Meeting of Creditors with 341(a) meeting to be held on 03/13/2018 at 02:00 PM at 55 East Monroe Street, Suite 3850, Chicago, Illinois 60603. Confirmation hearing to be held on 04/03/2018 at 10:30 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. Proof of Claim due by 04/26/2018. Government Proof of Claim due by 08/14/2018. Objection to Dischargeability due by 05/14/2018. (Marzan, Andrew) (Entered: 02/15/2018)
- 02/15/2018 7 Receipt of Voluntary Petition (Chapter 13) (18-04116) [misc,volp13a] (310.00) Filing Fee. Receipt number 36578716. Fee Amount \$ 310.00 (re: Doc# 1) (U.S. Treasury) (Entered: 02/15/2018)
- 02/16/2018 8 Notice of Debtor's Prior Filings
- | Debtor          | Case No  | Note  |
|-----------------|----------|---|
| Timothy Shannon | 17-09782 | Ch13 filed in Illinois Northern Bankruptcy on 03/28/2017, Dismissed for failure to make plan payments on 06/06/2017 |
- (Admin) (Entered: 02/16/2018)
- 02/16/2018 9 Notice of Chapter 13 Bankruptcy Case (2 pgs) . (Jernigan, Toni) (Entered: 02/16/2018)
- 02/16/2018 10 CORRECTIVE ENTRY: to correct docket text (RE: 2 Chapter 13 Plan/Amended Plan). (Sirmons, Dornesa) (Entered: 02/16/2018)

- 02/16/2018 12 BNC Certificate of Notice – Meeting of  
(3 pgs) Creditors. (RE: 9 Notice of Chapter  
13 Bankruptcy Case). No. of Notices:  
9. Notice Date 02/18/2018. (Admin.)  
(Entered: 02/18/2018)
- 02/16/2018 13 BNC Certificate of Notice – PDF Doc-  
(6 pgs) ument. (RE: 2 Chapter 13  
Plan/Amended Plan). No. of Notices:  
12. Notice Date 02/18/2018. (Admin.)  
(Entered: 02/18/2018)
- 02/17/2018 11 Proposed Order to Employer to Pay  
(1 pg) the Trustee Filed by Andrew C Mar-  
zan on behalf of Timothy Shannon.  
(Marzan, Andrew) (Entered:  
02/17/2018)
- 02/20/2018 14 Notice of Motion and Motion to Extend  
(13 pgs; Automatic Stay Filed by Andrew C  
4 docs) Marzan on behalf of Timothy Shannon.  
Hearing scheduled for 2/27/2018 at  
09:30 AM at 219 South Dearborn,  
Courtroom 742, Chicago, Illinois 60604.  
(Attachments: # 1 Exhibit A # 2 Ex-  
hibit B # 3 Proposed Order) (Marzan,  
Andrew) (Entered: 02/20/2018)
- 02/20/2018 15 Certificate of Service Filed by Andrew  
(3 pgs) C Marzan on behalf of Timothy Shan-  
non (RE: 14 Motion to Extend Auto-  
matic Stay). (Marzan, Andrew) (En-  
tered: 02/20/2018)
- 02/20/2018 16 Order to Employer to Pay the Trustee  
(1 pg) . Signed on 2/20/2018 (McGee, Kimber-  
ly) (Entered: 02/20/2018)
- 02/27/2018 17 (E)Order Granting Motion to Extend

- (1 pg) Automatic Stay (Related Doc # 14 . Signed on 02/27/2018. (Nelson, Freddie) (Entered: 02/27/2018)
- 03/08/2018 18 Notice of Motion and Application for (14 pgs; Compensation for Andrew C Marzan, 4 docs) Debtor's Attorney, Fee: \$4,000.00, Expenses: \$63.14. Filed by Andrew C Marzan. Hearing scheduled for 4/3/2018 at 10:30 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order # 2 Court-Approved Retention Agreement # 3 Itemization of Services Rendered to Chapter 13 Debtor(s)) (Marzan, Andrew) (Entered: 03/08/2018)
- 03/13/2018 19 Personal Financial Management (1 pg) Course for Debtor. (Hamblin, Erin) (Entered: 03/13/2018)
- 03/14/2018 20 Statement Adjourning Meeting of Creditors. Section 341(a) Meeting Continued on 3/27/2018 at 12:30 PM at 55 East Monroe Street, Suite 3850, Chicago, Illinois 60603. (Vaughn, Tom) (Entered: 03/14/2018)
- 03/19/2018 21 Substitution of Attorney Filed by Xiaoming Wu on behalf of Timothy Shannon. (Wu, Xiaoming) (Entered: 03/19/2018)
- 03/28/2018 22 Meeting of Creditors Not Held (Vaughn, Tom) (Entered: 03/28/2018)
- 04/03/2018 23 (E)Confirmation Hearing Continued. Confirmation Hearing to be held on

- 05/01/2018 at 10:30 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 04/03/2018. (Myers, Melissa) (Entered: 04/03/2018)
- 04/03/2018 24 (E)Hearing Continued (RE: 18 Compensation WITH Notice of Motion). hearing scheduled for 05/01/2018 at 10:30 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 04/03/2018. (Myers, Melissa) (Entered: 04/03/2018)
- 04/03/2018 25 Notice of Motion and Motion to Dismiss Debtor for Unreasonable Delay (2 pgs; 2 docs) Filed by Tom Vaughn Hearing scheduled for 5/1/2018 at 10:30 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Vaughn, Tom) (Entered: 04/03/2018)
- 04/05/2018 26 Notice of Continued Meeting of Creditors Filed by Adam B Bourdette on behalf of Timothy Shannon. 341(a) meeting to be held on 4/18/2018 at 12:30 PM at 55 East Monroe Street, Suite 3850, Chicago, Illinois 60603. (Bourdette, Adam) (Entered: 04/05/2018)
- 04/19/2018 27 Meeting of Creditors Held (Vaughn, Tom) (Entered: 04/19/2018)
- 04/26/2018 28 Amended Chapter 13 Plan, and (1) Request(s) for Assumption of Executory Contracts and Unexpired Leases Filed by Sara K Ledford on behalf of



- Timothy Shannon. (Ledford, Sara)  
(Entered: 04/26/2018)
- 04/26/2018 29 Certificate of Service Filed by Sara K  
(3 pgs) Ledford on behalf of Timothy Shannon  
(RE: 28 Chapter 13 Plan/Amended  
Plan). (Ledford, Sara) (Entered:  
04/26/2018)
- 05/01/2018 30 (E)Order Withdrawing Trustee's Mo-  
tion To Dismiss (Related Doc # 25 ).  
Signed on 05/01/2018. (LeBeau, Brit-  
tany) (Entered: 05/01/2018)
- 05/01/2018 31 Order Granting Application For Com-  
(1 pg) pensation (Related Doc # 18). Andrew  
C Marzan, fees awarded: \$4000.00, ex-  
penses awarded: \$63.14. Signed on  
5/1/2018. (McGee, Kimberly) (Entered:  
05/01/2018)
- 05/01/2018 32 Order Confirming Chapter 13 Plan  
(1 pg) (RE: 28 Chapter 13 Plan/Amended  
Plan). Signed on 5/1/2018 (McGee,  
Kimberly) (Entered: 05/01/2018)
- 06/12/2018 33 Notice of Motion and Motion For Sanc-  
(29 pgs; tions against The City of Chicago for  
7 docs) Violation of the Automatic Stay Filed  
by Adam B Bourdette on behalf of  
Timothy Shannon. Hearing scheduled  
for 6/19/2018 at 09:30 AM at 219 South  
Dearborn, Courtroom 742, Chicago,  
Illinois 60604. (Attachments: # 1 Pro-  
posed Order # 2 Exhibit # 3 Exhibit # 4  
Exhibit # 5 Exhibit # 6 Exhibit)  
(Bourdette, Adam) (Entered:  
06/12/2018)

- 06/12/2018 34 Notice of Hearing and Objection to  
(5 pgs; 2 Claim(s) 1 of City of Chicago Depart-  
docs) ment of Finance Filed by Adam B  
Bourdette on behalf of Timothy Shan-  
non. Hearing scheduled for 6/19/2018  
at 09:30 AM at 219 South Dearborn,  
Courtroom 742, Chicago, Illinois 60604.  
(Attachments: # 1 Proposed Or-  
der)(Bourdette, Adam) (Entered:  
06/12/2018)
- 06/12/2018 35 Amended Notice of Motion Filed by  
(1 pg) Adam B Bourdette on behalf of Timo-  
thy Shannon (RE: 33 Motion for Sanc-  
tions/Damages for Violation of the Au-  
tomatic Stay). Hearing scheduled for  
6/19/2018 at 09:30 AM at 219 South  
Dearborn, Courtroom 742, Chicago,  
Illinois 60604. (Bourdette, Adam) (En-  
tered: 06/12/2018)
- 06/18/2018 36 Response to (related document(s): 33  
(47 pgs; Motion for Sanctions/Damages for Vio-  
4 docs) lation of the Automatic Stay) Filed by  
David Paul Holtkamp on behalf of City  
of Chicago, an Illinois Municipal Cor-  
poration (Attachments: # 1 Exhibit A  
# 2 Exhibit B # 3 Exhibit C) (Holt-  
kamp, David) (Entered: 06/18/2018)
- 06/18/2018 37 Notice of Motion and Motion for Leave  
(6 pgs; 2 to to Exceed Page Limit Filed by Da-  
docs) vid Paul Holtkamp on behalf of City of  
Chicago, an Illinois Municipal Corpora-  
tion. Hearing scheduled for 6/19/2018  
at 09:30 AM at 219 South Dearborn,  
Courtroom 742, Chicago, Illinois 60604.

- (Attachments: # 1 Proposed Order)  
(Holtkamp, David) (Entered: 06/18/2018)
- 06/19/2018 38 (E)Order Granting Motion for Leave  
(1 pg) (Related Doc # 37 ). Signed on  
06/19/2018. (Rodriguez, Shanda) (En-  
tered: 06/19/2018)
- 06/19/2018 39 (E)Hearing Continued (RE: 33 Sanc-  
tions/Damages for Violation of the Au-  
tomatic Stay 362(k)). hearing sched-  
uled for 07/24/2018 at 10:00 AM at  
Courtroom 742 219 South Dearborn,  
Chicago, IL, 60604.. Signed on  
06/19/2018. (Rodriguez, Shanda) (En-  
tered: 06/19/2018)
- 06/19/2018 40 (E)Hearing Continued (RE: 34 Objec-  
tion to Claim with Notice of Hearing).  
hearing scheduled for 07/24/2018 at  
10:00 AM at Courtroom 742 219 South  
Dearborn, Chicago, IL, 60604.. Signed  
on 06/19/2018. (Rodriguez, Shanda)  
(Entered: 06/19/2018)
- 06/19/2018 41 Order Scheduling (RE: 33 Motion for  
(1 pg) Sanctions/Damages for Violation of the  
Automatic Stay). Reply due by:  
7/5/2018. Status/Ruling Set for  
7/24/2018 at 10:00 AM at 219 South  
Dearborn, Courtroom 742, Chicago,  
Illinois 60604. Signed on 6/19/2018  
(McGee, Kimberly) (Entered:  
06/20/2018)
- 06/19/2018 42 Order Scheduling (RE: 34 Objection to  
(1 pg) Claim). Response due by 7/5/2018.

Reply due by: 7/18/2018. Status/Ruling Set for 7/24/2018 at 10:00 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. Signed on 6/19/2018 (McGee, Kimberly) (Entered: 06/20/2018)

- 07/05/2018 43 Response to (related document(s): 34 (20 pgs; Objection to Claim) Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (Attachments: # 1 Exhibit A # 2 Exhibit B) (Holtkamp, David) (Entered: 07/05/2018)
- 07/17/2018 44 Appearance Filed by Charles A King on behalf of City of Chicago, an Illinois Municipal Corporation. (King, Charles) (Entered: 07/17/2018)
- 07/18/2018 45 Reply to (related document(s): 34 Objection to Claim) Filed by Adam B Bourdette on behalf of Timothy Shannon (Bourdette, Adam) (Entered: 07/18/2018)
- 07/24/2018 46 (E)Hearing Continued (RE: 33 Sanctions/Damages for Violation of the Automatic Stay 362(k)). hearing scheduled for 08/14/2018 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 07/24/2018. (Castaneda, Peter) (Entered: 07/24/2018)
- 07/24/2018 47 (E)Hearing Continued (RE: 34 Objection to Claim with Notice of Hearing). hearing scheduled for 08/14/2018 at

10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 07/24/2018. (Castaneda, Peter) (Entered: 07/24/2018)

- 07/31/2018 48 Notice of Motion and Motion for Leave (22 pgs; to To File Amicus Brief Filed by Nathan E Delman on behalf of Semrad Law Firm. Hearing scheduled for 8/7/2018 at 09:15 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Exhibit Amicus Curiae Brief # 2 Proposed Order) (Delman, Nathan) (Entered: 07/31/2018)
- 07/31/2018 49 Notice and Certificate of Service Motion for Leave to File Amicus Brief Filed by Nathan E Delman on behalf of Semrad Law Firm (RE: 48 Motion for Leave). (Delman, Nathan) (Entered: 07/31/2018)
- 08/01/2018 50 Order Granting Motion for Leave. The hearing set for Semrad's motion on August 7, 2018 is stricken. (Related Doc # 48). Signed on 8/1/2018. (McGee, Kimberly) (Entered: 08/01/2018)
- 08/01/2018 51 Notice of Motion and Motion for Leave (10 pgs; to File a Response to DebtStoppers' 2 docs) Amicus Brief Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Hearing scheduled for 8/7/2018 at 09:30 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order)

- (Holtkamp, David) (Entered: 08/01/2018)
- 08/02/2018 52 Notice of Withdrawal Filed by David  
(3 pgs) Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (RE: 51 Motion for Leave). (Holtkamp, David) (Entered: 08/02/2018)
- 08/02/2018 53 (E)Order Withdrawing Motion for Leave (Related Doc # 51 ). Signed on 08/02/2018. (Castaneda, Peter) (Entered: 08/02/2018)
- 08/02/2018 54 Hearing Scheduled for August 7, 2018 is Stricken (RE: 51 Motion for Leave). (Castaneda, Peter) (Entered: 08/02/2018)
- 08/08/2018 55 Response to (related document(s): 33  
(18 pgs) Motion for Sanctions/Damages for Violation of the Automatic Stay) Filed by David Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation (Holtkamp, David) (Entered: 08/08/2018)
- 08/14/2018 56 (E)Hearing Continued (RE: 33 Sanctions/Damages for Violation of the Automatic Stay 362(k)). hearing scheduled for 08/21/2018 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/14/2018. (Utter, Matthew) (Entered: 08/14/2018)
- 08/14/2018 57 (E)Hearing Continued (RE: 34 Objection to Claim with Notice of Hearing).

- hearing scheduled for 08/21/2018 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/14/2018. (Utter, Matthew) (Entered: 08/14/2018)
- 08/21/2018 58 (E)Hearing Continued (RE: 33 Sanctions/Damages for Violation of the Automatic Stay 362(k)). hearing scheduled for 09/04/2018 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/21/2018. (LeBeau, Brittany) (Entered: 08/21/2018)
- 08/21/2018 59 (E)Hearing Continued (RE: 34 Objection to Claim with Notice of Hearing). hearing scheduled for 09/04/2018 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 08/21/2018. (LeBeau, Brittany) (Entered: 08/21/2018)
- 09/04/2018 60 Notice of Motion and Motion for Leave (18 pgs; to File Supplement Filed by David 2 docs) Paul Holtkamp on behalf of City of Chicago, an Illinois Municipal Corporation. Hearing scheduled for 9/11/2018 at 10:00 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Holtkamp, David) (Entered: 09/04/2018)
- 09/04/2018 61 (E)Hearing Continued (RE: 33 Sanctions/Damages for Violation of the Automatic Stay 362(k)). hearing scheduled for 09/11/2018 at 10:00 AM at

Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 09/04/2018. (LeBeau, Brittany) (Entered: 09/04/2018)

- 09/04/2018 62 (E)Hearing Continued (RE: 34 Objection to Claim with Notice of Hearing). hearing scheduled for 09/11/2018 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 09/04/2018. (LeBeau, Brittany) (Entered: 09/04/2018)
- 09/07/2018 63 (1 pg) Order Granting Motion For Sanctions for Violation of the Automatic Stay (Related Doc # 33). Signed on 9/7/2018. (Sims, LaKeysha) (Entered: 09/07/2018)
- 09/07/2018 64 (44 pgs) Memorandum Opinion (RE: 63 Order on Motion for Sanctions/Damages for Violation of the Automatic Stay). (Pruitt, Debra) (Entered: 09/07/2018)
- 09/07/2018 65 Hearing Scheduled for September 11, 2018 is Stricken (RE: 33 Sanctions/Damages for Violation of the Automatic Stay 362(k)). (Castaneda, Peter) (Entered: 09/07/2018)
- 09/11/2018 66 (E)Order Denying for the Reasons Stated on the Record Motion for Leave (Related Doc # 60 ). Signed on 09/11/2018. (LeBeau, Brittany) (Entered: 09/11/2018)
- 09/11/2018 67 (1 pg) Order Modifying Claim(s) 1 (RE: 34 Objection to Claim). Signed on 9/11/2018 (Pruitt, Debra) (Entered: 09/11/2018)



- 09/13/2018 68 Notice of Appeal to District Court.  
(5 pgs; 2 Filed by David Paul Holtkamp on be-  
docs) half of City of Chicago, an Illinois Mu-  
nicipal Corporation. Fee Amount \$298  
(RE : 63 Order on Motion for Sanc-  
tions/Damages for Violation of the Au-  
tomatic Stay, 64 Memorandum Opin-  
ion/Decision, 67 Order on Claim). Ap-  
pellant Designation due by 09/27/2018.  
Transmission of Record Due no later  
than 10/15/2018. (Attachments: # 1  
Civil Cover Sheet)(Holtkamp, David)  
(Entered: 09/13/2018)
- 09/13/2018 69 Receipt of Notice of Appeal Fee- \$5.00  
by BC. Receipt Number 3234424.  
Payment received from Timothy San-  
non. (register) (Entered: 09/14/2018)
- 09/13/2018 70 Receipt of Docketing a Notice of Ap-  
peal – \$293.00 by BC. Receipt Number  
3234424. Payment received from  
Timothy Sannon. (register) (Entered:  
09/14/2018)
- 09/14/2018 71 See Docket #69 Receipt of Notice of  
Appeal(18-04116) [appeal,ntcapl]  
(Horn, Fred) (re: Doc68) (Horn) Modi-  
fied on 9/14/2018 (Horn, Fred). (En-  
tered: 09/14/2018)
- 09/14/2018 72 Certificate of Service (RE: 68 Notice  
(1 pg) of Appeal). (Gonzalez, Maribel) (En-  
tered: 09/14/2018)
- 09/14/2018 73 Transmittal of Notice of Appeal to Dis-  
trict Court (RE: 68 Notice of Appeal).  
(Gonzalez, Maribel) (Entered:  
09/14/2018)

- 09/14/2018 74 Notice of Docketing Notice of Appeal,  
(1 pg) to District Court . Case Number 18 cv  
6287 Assigned to Judge: Matthew F.  
Kennelly (RE: 68 Notice of Appeal).  
(Gonzalez, Maribel) (Entered:  
09/14/2018)
- 09/19/2018 75 Certification to Court of Appeals by all  
(2 pgs) Parties (Form 424) Filed by David  
Paul Holtkamp on behalf of City of  
Chicago, an Illinois Municipal Corpora-  
tion, Timothy Shannon (RE: 68 Notice  
of Appeal). (Holtkamp, David) (En-  
tered: 09/19/2018)
- 09/20/2018 76 Transmittal of Certification for Direct  
(1 pg) Appeal to the U S Court of Appeals  
(RE: 75 Certification to Court of Ap-  
peals by all Parties (Form 424)). (Gon-  
zalez, Maribel) (Entered: 09/20/2018)
- 09/20/2018 77 Received Notice of Docketing Direct  
(1 pg) Appeal from U S Court of Appeals,  
Case Number: 18-3023 (RE: 68 Notice  
of Appeal). (Gonzalez, Maribel) (En-  
tered: 09/24/2018)
- 09/26/2018 78 Appellant Designation of Contents for  
(4 pgs) Inclusion in Record and Statement of  
Issue On Appeal Filed by David Paul  
Holtkamp on behalf of City of Chicago,  
an Illinois Municipal Corporation. (RE:  
68 Notice of Appeal). Appellee desig-  
nation due by 10/10/2018. (Holtkamp,  
David) (Entered: 09/26/2018)
- 10/10/2018 79 Order Granting Certification of Direct  
(1 pg) Appeal Additional Fee Amount \$207

Required. (RE: 75 Certification to Court of Appeals by all Parties (Form 424)). Signed on 10/10/2018 (Gonzalez, Maribel) Additional attachment(s) added on 10/11/2018 (Brown, Venita). (Entered: 10/11/2018)

10/15/2018 80 Receipt of Direct Appeal – \$207.00 by AH. Receipt Number 3234874. Payment received from Corporation Counsel. (register) (Entered: 10/16/2018)

10/16/2018 81 Transmittal of Record on Appeal to Court of Appeals (RE: 68 Notice of Appeal). (Gonzalez, Maribel) (Entered: 10/16/2018)

(1 pg)

10/18/2018 82 Order By District Court Judge : Honorable Virginia M. Kendall, Re: Appeal on Civil Action Number: 18 cv 6287, Dated 10/17/2018. Appellant's motion to terminate this bankruptcy appeal is granted 6 in light of the Court of Appeals' acceptance of a direct appeal in this case. (RE: 68 Notice of Appeal). Signed on 10/18/2018 (USDC1) (Entered: 10/18/2018)

(1 pg)

05/23/2019 83 Substitution of Attorney from Nathan Delman to Patrick Semrad. (Semrad, Patrick) (Entered: 05/23/2019)

(7 pgs)

07/12/2019 84 Order from Appeal Court Dated 6/19/2019 Re: Notice of Appeal on Appellate Case Number: 18-3023 Affirmed Re: Appeal on Civil Action Number: 18 cv 6287 (RE: 68 Notice of Appeal). Signed on 7/12/2019 (Myers,

(1 pg)

Melissa) (Entered: 07/12/2019)

- 10/04/2019 85 Notice of Motion and Motion to Dismiss Debtor for Failure to Turnover (2 pgs; 2 docs) Tax Return Filed by Tom Vaughn Hearing scheduled for 10/15/2019 at 9:15 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order) (Vaughn, Tom) (Entered: 10/04/2019)
- 10/15/2019 86 (E)Hearing Continued (RE: 85 Dismiss Case for Other Reasons). hearing scheduled for 11/05/2019 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 10/15/2019. (McGee, Kimberly) (Entered: 10/15/2019)
- 11/05/2019 87 (E)Hearing Continued (RE: 85 Dismiss Case for Other Reasons). hearing scheduled for 11/12/2019 at 10:00 AM at Courtroom 742 219 South Dearborn, Chicago, IL, 60604.. Signed on 11/05/2019. (Johnson, Carly) (Entered: 11/05/2019)
- 11/12/2019 88 (E)Order Withdrawing Trustee's Motion To Dismiss (Related Doc # 85 ). Signed on 11/12/2019. (Johnson, Carly) (Entered: 11/12/2019)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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CASE NO. 18 B 02860  
CHAPTER 13

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IN RE: ROBBIN FULTON,

*Debtor.*

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HON. JACK B. SCHMETTERER  
Filed May 2, 2018

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**MOTION FOR SANCTIONS AND TURNOVER**

NOW COMES the Debtor, Robbin Fulton, by and through Debtor's attorneys, The Semrad Law Firm, LLC, and moves ther Honorable Court to enter an order for sanctions and turnover against the City of Chicago and state as follows:

1. That this Court has jurisdiction pursuant to 11 U.S.C. §362.
2. That on December 24, 2017, Debtor's vehicle, a 2015 Kia Soul ("Vehicle"), plate number AF23241, was towed and impounded by the City of Chicago.
3. That Consumer Portfolio SVC is a lienholder on Debtor's Vehicle and owed approximately \$11,934.44.
4. That upon Debtor's vehicle being impounded. Debtor promptly notified Consumer Portfolio SVC of said impound but was informed that

they would not be retrieving the Vehicle from the impound.

5. That to retrieve the Vehicle from the impound, the City of Chicago demanded the Debtor to pay approximately \$4,000.00 which she could not afford.
6. That on January 31, 2018, the Debtor filed a petition for relief pursuant to Chapter 13, Title 11 of the United States Code.
7. That the Debtor properly listed the City of Chicago as a creditor on her bankruptcy schedules.
8. That on February 3, 2018, the Clerk of the Court sent notice of Debtor's bankruptcy filing to all creditors including the City of Chicago. *See Exhibit A.*
9. That on February 5, 2018, Debtor filed a Chapter 13 plan treating the City of Chicago as a general unsecured creditor.
10. That on February 8, 2018, the Clerk of the Court sent notice of Debtor's plan to all creditors including the City of Chicago. *See Exhibit B.*
11. That on February 23, 2018, the City of Chicago filed a general unsecured proof of claim in the amount of \$9,391.20. *See Exhibit C.*
12. That upon information and belief, a significant portion of the alleged parking ticket debt owed to the City of Chicago accrued as a result of her ex-husband obtaining vehicles under the Debtor's name without her knowledge. Debtor at no time drove these vehicles nor received notice of any tickets related to these vehicles.

13. That on March 21, 2018, Debtor's Modified Chapter 13 Plan was confirmed, *see* Exhibit D, which treated the City of Chicago as a general unsecured creditor.
14. That the City of Chicago did not object to said plan nor filed any motions before this Court.
15. That upon confirmation, Debtor's counsel demanded release of Debtor's vehicle from the City of Chicago but was advised that they would not release the vehicle unless the Debtor modifies her plan to treat their claim in full as a secured creditor with a 60 month set payment.
16. That on March 27, 2018, right after Debtor's counsel demanded release of Debtor's vehicle, the City of Chicago amended their proof of claim to add impound fees and change their claim from unsecured to secured with a total claim of \$11,831.20.
17. That to date, the City of Chicago has not released Debtor's vehicle and failed to file any motion before the Court.
18. That rather than following the Seventh Circuit's holding in *Thompson v. General Motors Acceptance Corporation, LLC*, 566 F.3d 699 (7th Cir. 2009) ("*Thompson*"), the City of Chicago has apparently taken the position that the opinion of Judge Cassling in *In re Avila*, 566 B.R.5588 (Bankr. N.D. Ill. 2017) is binding authority in all bankruptcy courts in the Northern District of Illinois, and therefore does not require them to turnover impounded vehicles nor participate in bankruptcy proceedings altogether.

19. It is well established that the Bankruptcy Code (hereinafter “Code”) “requires that a creditor immediately return a seized asset in which a debtor has an equity interest to the debtor’s estate upon her filing of Chapter 13 bankruptcy.” *Thompson*, 566 F.3d at 700. Further, Section 542(a) of the Code mandates that “turnover of a seized asset is compulsory.” *Id.* at 704. “The failure to fulfill their duty, regardless of whether the original seizure was lawful, constitutes a prohibited attempt to ‘exercise control over property of the estate’ in violation of the automatic stay.” *Knaus v. Concordia Lumber Co., Inc.*, 889 F.2d 773, 775 (8th Cir.1989) (“*In re Knaus*”).
20. Therefore, the automatic stay prevents creditors from taking any action to collect on their debt including the holding of a vehicle post-petition absent taking any action in the bankruptcy proceeding. *In re Radcliffe*, 563 F.3d 627, 630 (C.A.7 2009).
21. Additionally, pursuant to Judge Cox’s recent opinion in *In Re Howard*, case 17-bk-08656, the City of Chicago is bound by the terms of the confirmed plan, must return Debtor’s Vehicle according to *Thompson*, and does not obtain a possessory lien.
22. The City of Chicago has not filed an emergency motion for relief nor any motion before this court.
23. That the City of Chicago’s failure to release Debtor’s vehicle constitutes a violation of the Automatic Stay enumerated in 11 U.S.C. §362(a) and runs afoul of the holding in *Thompson*.



24. The City of Chicago is not irreparably harmed nor are their substantive rights being modified or impaired by the automatic stay. Like thousands of other creditors, the City of Chicago is afforded various remedies under the Code and have failed to utilize them or take any action in this case.
25. Debtor respectfully requests this Court to enter an order requiring the City of Chicago to immediately release Debtor's vehicle.
26. At all times relevant hereto, Debtor has done nothing to provoke the City of Chicago to continue to hold Debtor's vehicle.

WHEREFORE, Debtor, Robbin Fulton, prays this Honorable Court for the following relief:

- A. That this Honorable Court enter an Order directing the City of Chicago to turn over the 2015 Kia Soul to the Debtor; and
- B. For any further relief as the Court may deem fair and proper.

Respectfully Submitted.

/s/ John Wonais  
Attorney for Debtor  
The Semrad Law Firm, LLC  
20 S. Clark Street, 28th Floor  
Chicago, IL 60603  
(312) 256-8516

***In re Robbin Fulton***  
**Case No. 18-02860 (Bankr. N.D. Ill.)**

**Docket No. 23-1 EXHIBIT A**

**NOTICE OF CHAPTER 13**

Debtor 1

**Robbin L Fulton**

Social Security number or ITIN **xxx-xx-4446**

EIN \_\_-\_\_\_\_\_-

Debtor 2

(Spouse, if filing)

Social Security number or ITIN

EIN \_\_-\_\_\_\_\_-

United States Bankruptcy Court  
**Northern District of Illinois**

Date case filed for chapter 13 **1/31/18**

Case number (if known) **18-02860**

Official Form 309I

**Notice of Chapter 13 Bankruptcy Case** 12/17

**For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the

debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.**

**Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.**

**1. Debtor's full name**

Robbin L Fulton

**2. All other names used in the last 8 years**

**3. Address**

5502 W. Congress Garden  
Chicago, IL 60644

**4. Debtor's attorney**

Name and address

Elise Harmening  
The Semrad Law Firm, LLC  
20 S Clark, 28th Floor  
Chicago, IL 60603

Contact phone (312) 483-2095

Email: eharmening@semradlaw.com

**5. Bankruptcy trustee**

Name and address

Tom Vaughn  
55 E. Monroe Street, Suite 3850  
Chicago, IL 60603

Contact phone 312 294-5900

**6. Bankruptcy clerk's office**

Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at [www.pacer.gov](http://www.pacer.gov).

Eastern Division  
219 S Dearborn  
7th Floor  
Chicago, IL 60604

Hours open: 8:30 a.m. until 4:30 p.m. except  
Saturdays, Sundays and legal holidays.  
Contact phone 1-866-222-8029  
Date: 2/1/18

### **7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

#### **February 28, 2018 at 12:30 PM**

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**Debtors must bring a picture ID and proof of their Social Security Number.**

#### **Location:**

**55 East Monroe, Suite 3850, Chicago, IL 60603**

### **8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**Deadline to file a complaint to challenge Discharge ability of certain debts:**

**Filing deadline: 4/30/18**

#### **You must file:**

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) or

- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

**Deadline for all creditors to file a proof of claim (except governmental units):**

**Filing deadline: 4/11/18**

**Deadline for governmental units to file a proof of claim:**

**Filing deadline: 7/30/18**

**Deadlines for filing proof of claim:**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office.

If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**Filing deadline:** 30 days after the conclusion of the meeting of creditors

**9. Filing of plan**

The hearing on confirmation will be held on: **3/21/18** at **11:00 AM**, Location: **219 South Dearborn, Courtroom 682, Chicago, IL 60604**. The debtor has not filed a plan as of this date. A copy of the plan will be sent separately.

**The Disclosure of Compensation has been filed and the debtor's attorney is requesting fees of \$4000.00**

Objections to confirmation of the Plan shall be filed at least 7 days prior to the confirmation hearing. If there are no objections, the Court may confirm the plan and allow fees requested by debtor's counsel to be paid through the plan.

**10. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a chapter 13 bankruptcy case**

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at [www.pacer.gov](http://www.pacer.gov). If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

**13. Discharge of debts**

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.



***In re Robbin Fulton***  
**Case No. 18-02860 (Bankr. N.D. Ill.)**

**Docket No. 23-2 EXHIBIT B**

**CHAPTER 13 PLAN**

Debtor 1  
**Robbin L Fulton**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number (if known) 18-02860

Check if this is an amended plan, and list below the sections of the plan that have been changed 3.3; 2.3; 8.1

Official Form 113

**Chapter 13 Plan**

12/17

**Part 1: Notices**

**To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.**

In the following notice to creditors, you must check each box that applies.

**To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

**1.1 A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor**

- Included
- Not included

**1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4**

- Included
- Not included

**1.3 Nonstandard provisions, set out in Part 8**

- Included
- Not included

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$450.00 per month for 36 month(s)

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner:**

*Check all that apply.*

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment):

**2.3 Income tax refunds.**

Check one.

- Debtor(s) will retain any income tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- Debtor(s) will treat income tax refunds as follows: Debtor(s) shall submit a copy of their tax return to the Trustee each year by April 20th. The debtor(s) shall

tender to the trustee the amount of any tax refund in excess of \$1,200.00 each year within 7 days of receipt of the tax refund. Refunds must be received by the Trustee by June 30th of each year.

**2.4 Additional payments.**

Check one.

**None.** If “None” is checked, the rest of § 2.4 need not be completed or reproduced.

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$16,200.00**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

Check all that apply.

**None.** If “None” is checked, the rest of § 3.1 need not be completed or reproduced.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of under secured claims.**

Check one.

**None.** If “None” is checked, the rest of § 3.2 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

Check one.

**None.** If “None” is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

(a) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

**Name of creditor**

CONSUMER PORTFOLIO SVC

**Collateral**

2015 Kia Soul

**Amount of claim**

\$11,429.00

**Interest rate**

7.00%

**Monthly plan payment**

\$423.00

**Estimated total payments by trustee**

\$12,704.40

Disbursed by:

- Trustee
- Debtor(s)

**3.4 Lien avoidance.**

Check one.

None. If “None” is checked, the rest of § 3.4 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

**3.5 Surrender of collateral.**

Check one.

None. If “None” is checked, the rest of § 3.5 need not be completed or reproduced

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee’s fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee’s fees**

Trustee’s fees are governed by statute and may change during the course of the case but are estimated to be 6.00% of plan payments; and during the plan term, they are estimated to total \$972.00

**4.3 Attorney’s fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$3,650.00

**4.4 Priority claims other than attorney’s fees and those treated in § 4.5.**

Check one.

**None.** If “None” is checked, the rest of § 4.4 need not be completed or reproduced.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

**None.** If “None” is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of

10.00% of the total amount of these claims, an estimated payment of \$2,668.40

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$6,678.00 Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

**None.** If “None” is checked, the rest of § 5.2 need not be completed or reproduced.

**5.3 Other separately classified nonpriority unsecured claims. Check one.**

None. If “None” is checked, the rest of § 5.3 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

**None.** If “None” is checked, the rest of § 6.1 need not be completed or reproduced.

**Part 7 Vesting of Property of the Estate**

**7.1 Property of the estate will vest in the debtor(s) upon.**

Check the applicable box:

- plan confirmation.
- entry of discharge
- other

**Part 8: Nonstandard Plan Provisions**

**8.1 Check “None” or List Nonstandard Plan Provisions**

**None.** If “None” is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

**The following plan provisions will be effective only if there is a check in the box “Included” in § 1.3.**



1. CONSUMER PORTFOLIO SVC shall receive pre-confirmation adequate protection payments in the amount of \$67.00 per month.

**Part 9: Signature(s)**

**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.

\_\_\_\_\_  
Signature of Debtor 1  
Executed on

\_\_\_\_\_  
MM/DD/YYYY

\_\_\_\_\_  
Signature of Debtor 2  
Executed on

\_\_\_\_\_  
MM/DD/YYYY

/s/ Elise Harmening  
Signature of Attorney for Debtor(s)

Date  
2/5/2018  
MM/DD/YYYY

**By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.**

**Exhibit: Total Amount of Estimated Trustee Payments**

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	<b>Maintenance and cure payments on secured claims</b> (Part 3, Section 3.1 total)	\$0.00
b.	<b>Modified secured claims</b> (Part 3, Section 3.2 total)	\$0.00
c.	<b>Secured claims excluded from 11 U.S.C. § 506</b> (Part 3, Section 3.3 total)	\$12,704.40
d.	<b>Judicial liens or security interests partially avoided</b> (Part 3, Section 3.4 total)	\$0.00
e.	<b>Fees and priority claims</b> (Part 4 total)	\$4,622.00
f.	<b>Nonpriority unsecured claims</b> (Part 5, Section 5.1, highest stated amount)	\$2,668.40
g.	<b>Maintenance and cure payments on unsecured claims</b> (Part 5, Section 5.2 total)	\$0.00
h.	<b>Separately classified unsecured claims</b> (Part 5, Section 5.3 total)	\$0.00
i.	<b>Trustee payments on executory contracts and unexpired leases</b> (Part 6, Section 6.1 total)	\$0.00
j.	<b>Nonstandard payments</b> (Part 8, total)	+ \$0.00
	<b>Total of lines a through j</b>	\$19,994.80

*In re Robbin Fulton*  
Case No. 18-02860 (Bankr. N.D. Ill.)

Docket No. 23-3 EXHIBIT C

**PROOF OF CLAIM**

Debtor 1  
**Robbin L Fulton**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number 18-02860

Official Form 410

**Proof of Claim**

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

**1. Who is the current creditor?**

City of Chicago Department of Finance

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

No

Yes. From whom?

**3. Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should notices to the creditor be sent?**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

**Where should payments to the creditor be sent? (if different)**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

**4. Does this claim amend one already filed?**

- No  
 Yes. Claim number on court claims registry (if known)  
Filed on \_\_\_\_\_  
MM/DD/YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

- No  
 Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?

- No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 3 9 7 0

**7. How much is the claim?**

\$9391.20. **Does this amount include interest or other charges?**

- No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

**8. What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim

required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

Parking Tickets

**9. Is all or part of the claim secured?**

No

Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe:

**Basis for perfection:**

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$ \_\_\_\_\_

**Amount of the claim that is unsecured:** \$ \_\_\_\_\_

(The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_ %

- Fixed  
 Variable

**10. Is this claim based on a lease?**

- No  
 Yes. **Amount necessary to cure any default as of the date of the petition.** \$ \_\_\_\_\_

**11. Is this claim subject to a right of setoff?**

- No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?** A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- No  
 Yes. Check one:      **Amount entitled to priority**
- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).      \$ \_\_\_\_\_
- Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).      \$ \_\_\_\_\_
- Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).      \$ \_\_\_\_\_
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).      \$ \_\_\_\_\_
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).      \$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_\_)  
that applies. \$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152,157, and 3571.**

*Check the appropriate box:*

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.



I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

2/13/2018

MM/DD/YYYY

/s/ Ericka Jefferson

Signature

**Print the name of the person who is completing and signing this claim:**

Ericka Jefferson  
Legal Administrator  
Arnold Scott Harris P. C  
111 W. Jackson Ste 600  
Chicago IL 60604  
(312)423-7438  
oolan@harriscollect.com

**Notice - Ticket Summary****Identity**

Notice: 5187963970

Owner: FULTON, ROBBIN L.

Last Noticed: 10-07-2016

Total Due: \$9,391.20

<b>Plate Number</b>	<b>Ticket Number</b>	<b>Issued Date</b>	<b>Pymt Plan</b>	<b>Ticket Queue</b>	<b>Notice Level</b>	<b>Next Upgrade Date</b>	<b>Last Noticed Date</b>	<b>Last Pay Date</b>	<b>Amount Due</b>
○193S108	0066233519	08-08-15	False	Bankruptcy	DLS		10-07-16	00-00-00	\$244.00
○193S108	0066233520	08-08-15	False	Bankruptcy	DLS		10-07-16		\$488.00
○193S108	0066236860	08-26-15	False	Bankruptcy	DLS		10-07-16		\$244.00
○2154959	0038494596	04-09-02	False	Bankruptcy	DLS		10-07-16		\$250.00
○2154959	0038525214	04-15-02	False	Bankruptcy	DLS		10-07-16		\$100.00
○2154959	0038616392	04-28-02	False	Bankruptcy	DLS		10-07-16		\$100.00
○3515569	0040791220	12-04-02	False	Bankruptcy	DLS		10-07-16		\$100.00
○501L080	0058318499	05-29-10	False	Bankruptcy	DLS		10-07-16		\$122.00
○501L080	0058318500	05-29-10	False	Bankruptcy	DLS		10-07-16		\$292.80

○7619916	0047506934	03-07-05	False	Bankruptcy	DLS		10-07-16		\$100.00
○7619916	0049320203	01-06-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○7619916	0049320201	01-06-06	False	Bankruptcy	DLS		10-07-16		\$240.00
○7619916	0049320202	01-06-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	0050167853	07-11-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	9057391983	08-14-06	False	Bankruptcy	DLS		10-07-16		\$60.00
○8081748	0050226968	08-28-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	0050226783	08-29-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	0050769990	09-25-06	False	Bankruptcy	DLS		10-07-16		\$200.00
○8081748	0050566798	09-28-06	False	Bankruptcy	DLS		10-07-16		\$180.00
○8081748	0051347495	11-26-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	9057509824	08-03-07	False	Bankruptcy	DLS		10-07-16	04-29-14	\$201.40
○8081748	0052655613	10-28-07	False	Bankruptcy	DLS		10-07-16		\$240.00
○8081748	9071939027	11-23-07	False	Bankruptcy	DLS		10-07-16		\$100.00
○DBB1916	6042510490	01-22-15	False	Warning	DLS		03-13-15		\$0.00
○E698154	9188540360	04-10-15	False	Paid	DETR	06-15-15	05-21-15	05-28-15	\$0.00

OE996364	9189254365	09-05-15	False	Bankruptcy	DLS		10-07-16		\$158.60
OE996364	6043327472	09-20-15	False	Warning			10-16-15		\$0.00
OK491267	7002865828	08-07-10	False	Bankruptcy	DLS		10-07-16		\$244.00
OK491267	9180180229	11-18-10	False	Bankruptcy	DLS		10-07-16		\$122.00
OK491267	0058927480	03-17-11	False	Bankruptcy	DLS		10-07-16		\$122.00
OK491267	9180633028	03-29-11	False	Bankruptcy	DLS		10-07-16		\$122.00
OK491267	9180690971	04-27-11	False	Bankruptcy	DLS		10-07-16		\$122.00
OK491267	0059788600	06-12-11	False	Bankruptcy	DLS		10-07-16		\$122.00
OK491267	7003499317	07-09-11	False	Bankruptcy	SEIZ		10-07-16		\$244.00
OK491267	9181408705	09-17-11	False	Bankruptcy	DLS		10-07-16		\$292.80
OK491267	9180705234	11-16-11	False	Bankruptcy	DLS		10-07-16		\$122.00
OK491267	9180705235	11-16-11	False	Bankruptcy	DLS		10-07-16		\$292.80
OK491267	9181778660	12-08-11	False	Bankruptcy	DLS		10-07-16		\$244.00
OR524886	7004850422	07-26-13	False	Bankruptcy	DLS		10-07-16		\$244.00
OR524886	0063379780	09-19-13	False	Bankruptcy	DLS		10-07-16		\$61.00
OR524886	0063782573	12-09-13	False	Bankruptcy	SEIZ		10-07-16		\$146.40

OR524886	0063679470	12-16-13	False	Bankruptcy	DLS		10-07-16		\$146.40
OR524886	0064056893	01-31-14	False	Bankruptcy	DLS		10-07-16		\$146.40
OR524886	0063961373	02-08-14	False	Bankruptcy	DLS		10-07-16		\$146.40
OR524886	0063959179	02-08-14	False	Bankruptcy	DLS		10-07-16		\$146.40
OR524886	6041101189	03-28-14	False	Warning			10-16-15		\$0.00
OR524886	9185440112	05-28-14	False	Bankruptcy	DLS		10-07-16		\$366.00
OR524886	6041621850	06-18-14	False	Bankruptcy	DLS		10-07-16		\$85.40
OR524886	7005735116	06-27-14	False	Bankruptcy	DLS		10-07-16		\$244.00
OR524886	6041682004	07-01-14	False	Bankruptcy	DLS		10-07-16		\$85.40
OR524886	7005752934	07-08-14	False	Bankruptcy	DLS		10-07-16		\$244.00
OR524886	6041734245	07-11-14	False	Bankruptcy	DLS		10-07-16		\$244.00
OR524886	0065404505	11-17-14	False	Paid	SEIZ		05-21-15	05-28-15	\$0.00
OR524886	0065404506	11-17-14	False	Paid	SEIZ		05-21-15	05-28-15	\$0.00
OR524886	0065379210	11-26-14	False	Paid	SEIZ		05-21-15	05-28-15	\$0.00
OR524886	0065379209	11-26-14	False	Bankruptcy	DLS		10-07-16		\$244.00
OR524886	7005976510	11-30-14	False	Bankruptcy	DLS		10-07-16		\$244.00

OS268367	6042737227	04-05-15	False	Warning			05-08-15		\$0.00
OV552022	6042596326	02-23-15	False	Warning			03-27-15		\$0.00
OV552022	9188592087	03-06-15	False	Paid	DETR	05-28-15	05-21-15	05-28-15	\$0.00
OZ262556	9189869741	04-06-16	False	Bankruptcy	DLS		10-07-16		\$183.00
OZ262556	7006696832	05-15-16	False	Bankruptcy	SEIZ		10-07-16		\$244.00
OZGF938	0004966956	03-10-92	False	Bankruptcy	DLS		08-25-16		\$50.00
OZGF938	0005154024	03-20-92	False	Bankruptcy	DLS		08-25-16	04-27-07	\$30.00

**Notice - Plate Summary****Identity**

Notice: 5187963970

Owner: FULTON, ROBBIN L.

Last Noticed: 10-07-2016

Total Due: \$9,391.20

**Fee Summary**

<b>Fee Type</b>	<b>Reference Number</b>	<b>Create Date</b>	<b>Fee Amount</b>	<b>Current Amount Due</b>	<b>Type of Suspension/ Plan Type</b>
DLS-CERT	2547257	11-29-2015	\$20.00	\$20.00	Parking

**Plate Summary**

<b>License</b>			<b>Ticket Counts</b>		<b>Amounts Due</b>		
<b>Plate</b>	<b>ST</b>	<b>Type</b>	<b>Total</b>	<b>Outstanding</b>	<b>Tickets</b>	<b>Seizure</b>	<b>Total</b>
O 193S108	IL	TMP	3	3	\$976.00	\$0.00	\$976.00
O 2154959	IL	TMP	3	3	\$450.00	\$0.00	\$450.00
O 3515569	IL	PAS	1	1	\$100.00	\$0.00	\$100.00
O 501L080	IL	TMP	2	2	\$414.80	\$0.00	\$414.80
O 7619916	IL	PAS	4	4	\$540.00	\$0.00	\$540.00
O 8081748	IL	PAS	10	10	\$1,381.40	\$0.00	\$1,381.40
O DBB1916	MI	PAS	1	1	\$0.00	\$0.00	\$0.00
O E698154	IL	PAS	1	0	\$0.00	\$0.00	\$0.00
O E996364	IL	PAS	2	2	\$158.60	\$0.00	\$158.60
O K491267	IL	PAS	11	11	\$2,049.60	\$0.00	\$2,049.60

***In re Robbin Fulton***  
**Case No. 18-02860 (Bankr. N.D. Ill.)**  
**Docket No. 23-4 EXHIBIT D**

**CHAPTER 13 PLAN**

Debtor 1  
**Robbin L Fulton**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number (if known) 18-02860

Check if this is an amended plan, and list below the sections of the plan that have been changed 3.3; 2.3; 8.1

Official Form 113

**Chapter 13 Plan** 12/17

**Part 1: Notices**

**To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.**

In the following notice to creditors, you must check each box that applies.

**To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**



You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

**1.1 A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor**

- Included  
 Not included

**1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4**

- Included  
 Not included

**1.3 Nonstandard provisions, set out in Part 8**

- Included
- Not included

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$450.00 per month for 36 month(s)

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner:**

*Check all that apply.*

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment):

**2.3 Income tax refunds.**

Check one.

- Debtor(s) will retain any income tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- Debtor(s) will treat income tax refunds as follows: Debtor(s) shall submit a copy of their tax return to the Trustee each year by April 20th. The debtor(s) shall

tender to the trustee the amount of any tax refund in excess of \$1,200.00 each year within 7 days of receipt of the tax refund. Refunds must be received by the Trustee by June 30th of each year.

**2.4 Additional payments.**

Check one.

**None.** If “None” is checked, the rest of § 2.4 need not be completed or reproduced.

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$16,200.00**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

Check all that apply.

**None.** If “None” is checked, the rest of § 3.1 need not be completed or reproduced.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of under secured claims.**

Check one.

**None.** If “None” is checked, the rest of § 3.2 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

Check one.

**None.** If “None” is checked, the rest of § 3.3 need not be completed or reproduced.

The claims listed below were either:

(a) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

**Name of creditor**

CONSUMER PORTFOLIO SVC

**Collateral**

2015 Kia Soul

**Amount of claim**

\$11,934.44

**Interest rate**

7.00%

**Monthly plan payment**

\$100.00

**Estimated total payments by trustee**

\$12,704.40

Disbursed by:

- Trustee  
 Debtor(s)

### **3.4 Lien avoidance.**

Check one.

None. If “None” is checked, the rest of § 3.4 need not be completed or reproduced.

**The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.**

### **3.5 Surrender of collateral.**

Check one.

None. If “None” is checked, the rest of § 3.5 need not be completed or reproduced

## **Part 4: Treatment of Fees and Priority Claims**

### **4.1 General**

Trustee’s fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

### **4.2 Trustee’s fees**

Trustee’s fees are governed by statute and may change during the course of the case but are estimated to be 6.00% of plan payments; and during the plan term, they are estimated to total \$972.00

### **4.3 Attorney’s fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$3,650.00

### **4.4 Priority claims other than attorney’s fees and those treated in § 4.5.**

Check one.

**None.** If “None” is checked, the rest of § 4.4 need not be completed or reproduced.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

**None.** If “None” is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of

10.00% of the total amount of these claims, an estimated payment of \$2,668.40

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$6,678.00 Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

None. If “None” is checked, the rest of § 5.2 need not be completed or reproduced.

**5.3 Other separately classified nonpriority unsecured claims. Check one.**

None. If “None” is checked, the rest of § 5.3 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

None. If “None” is checked, the rest of § 6.1 need not be completed or reproduced.

**Part 7 Vesting of Property of the Estate**

**7.1 Property of the estate will vest in the debtor(s) upon.**

Check the applicable box:

- plan confirmation.
- entry of discharge
- other

**Part 8: Nonstandard Plan Provisions**

**8.1 Check “None” or List Nonstandard Plan Provisions**

**None.** If “None” is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official

Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

**The following plan provisions will be effective only if there is a check in the box “Included” in § 1.3.**

1. CONSUMER PORTFOLIO SVC shall receive pre-confirmation adequate protection payments in the amount of \$70.00 per month.

**Part 9: Signature(s)**

**9.1 Signatures of Debtor(s) and Debtor(s)' Attorney**

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.

\_\_\_\_\_  
Signature of Debtor 1  
Executed on

\_\_\_\_\_  
MM/DD/YYYY

\_\_\_\_\_  
Signature of Debtor 2  
Executed on

\_\_\_\_\_  
MM/DD/YYYY

/s/ Elise Harmening  
Signature of Attorney for Debtor(s)

Date  
3/12/2018  
MM/DD/YYYY

**By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the**



**provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.**

**Exhibit: Total Amount of Estimated Trustee Payments**

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	\$0.00
b.	Modified secured claims (Part 3, Section 3.2 total)	\$0.00
c.	Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	\$12,704.40
d.	Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	\$0.00
e.	Fees and priority claims (Part 4 total)	\$4,622.00
f.	Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	\$2,668.40
g.	Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	\$0.00
h.	Separately classified unsecured claims (Part 5, Section 5.3 total)	\$0.00
i.	Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	\$0.00
j.	Nonstandard payments (Part 8, total)	+ \$0.00
	Total of lines a through j	\$19,994.80

**U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS**

**CLAIMS REGISTER**

18-02860 Robbin L Fulton

**Closed** 09/30/2019

**Debtor dismissed** 08/28/2019

**Honorable Judge:** Jack B. Schmetterer

**Chapter:** 13

**Office:** Eastern Division

**Last Date to file claims:** 04/11/2018

**Trustee:** Tom Vaughn

**Last Date to file (Govt):** 07/30/2018

Creditor:	<b>Claim No: 1</b>	Status:
(26447779)	Original Filed	Filed by: CR
City of Chicago	Date: 02/13/2018	Entered by:
Department of	Original Entered	Charles A King
Finance	Date: 02/13/2018	Modified:
c/o Arnold Scott	Last Amend-	05/15/2018
Harris, P.C.	ment	
111 W. Jackson	Filed: 05/14/2018	
Bldv Ste. 600	Last Amend-	
Chicago, IL 60604	ment	
	Entered:	
	05/14/2018	

Amount claimed: \$11811.20

Secured claimed: \$11831.20

## History:

Details	1-1	02/13/2018	Claim #1 filed by City of Chicago Department of Finance, Amount claimed: \$9391.20 (Jefferson, Ericka)
Details	1-2	04/27/2018	Amended Claim #1 filed by City of Chicago Department of Finance, Amount claimed: \$11831.20 (Morales, Leticia)
	28	05/08/2018	Notice of Hearing and Objection to Claim(s) 1 of City of Chicago Filed by John P Wonais on behalf of Robbin L Fulton. Hearing scheduled for 5/9/2018 at 10:00 AM at 219 South Dearborn, Courtroom 682, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Proposed Order)(Wonais, John)
Details	1-3	05/14/2018	Amended Claim #1 filed by City of Chicago Department of Finance, Amount claimed: \$11811.20 (King, Charles)
	42	05/25/2018	Order Overruling Objection to Claim 1 (RE: 28 Objection to Claim). Signed on 5/25/2018 (O'Neal, Michelle)

## Description:

Remarks: (1-3) Modified on 5/15/18 to correct claim amount (MO) Amended to add additional documentation

Creditor:	<b>Claim No: 2</b>	Status:
(26464095)	Original Filed	Filed by: CR
SANTANDER	Date: 02/20/2018	Entered by:
CONSUMER	Original Entered	Abel Marin
USA INC.	Date: 02/20/2018	Modified:
P.O. BOX 961245		
FORT WORTH,		
TX 76161		

Amount claimed: \$14678.29

## History:

Details 2-1 02/20/2018 Claim #2 filed by SANTANDER CONSUMER USA INC., Amount claimed: \$14678.29 (Marin, Abel)

## Description:

## Remarks:

Creditor:	<b>Claim No: 3</b>	Status:
(26469709)	Original Filed	Filed by: CR
PEOPLES GAS	Date: 02/21/2018	Entered by:
LIGHT & COKE	Original Entered	Ana Hernandez
COMPANY	Date: 02/21/2018	Modified:
200 EAST RANDOLPH		
STREET		
CHICAGO, ILLINOIS		
60601		

Amount claimed: \$1493.24

History:

Details 3-1 02/21/2018 Claim #3 filed by PEOPLES  
GAS LIGHT & COKE  
COMPANY, Amount  
claimed: \$1493.24 (Hernan-  
dez, Ana)

Description:

Remarks:

Creditor:	<b>Claim No: 4</b>	Status:
(27390147)	Original Filed	Filed by: CR
JEFFERSON	Date: 02/26/2018	Entered by:
CAPITAL SYS-	Original Entered	Jorge Pineda
TEMS LLC	Date: 02/26/2018	Modified:
PO Box 7999		02/27/2018
St Cloud MN		
56302		

Claimant History

Amount claimed: \$11934.44  
Secured claimed: \$11934.44

## History:

Details 4-1 02/26/2018 Claim #4 filed by CONSUMER PORTFOLIO SVC, Amount claimed: \$11934.44 (Pineda, Jorge)

106 12/19/2018 Transfer of Claim. Transferor: CONSUMER PORTFOLIO SVC (Claim No. 4, Amount 11934.44) To JEFFERSON CAPITAL SYSTEMS LLC Fee Amount \$25 Filed by Jefferson Capital Systems, LLC. Objections due by 01/9/2019. (Borgmann, Karen)

Description: (4-1) 2015 KIA SOUL VIN#: KNDJN2A22F7222914 26% Contract Int

Remarks: (4-1) Modified on 2/27/18 to correct claim amount (MO)

Creditor:	<b>Claim No: 5</b>	Status:
(26484119)	Original Filed	Filed by: CR
City of Chicago	Date: 02/26/2018	Entered by:
Department	Original Entered	Leticia Morales
Of Administrative	Date: 02/26/2018	Modified:
Hearing		
City of Chicago -		
DOAH C/O Ar-		
nold Scott		
111 W. Jackson		
Ste 600		
Chicago, IL 60604		

Amount claimed: \$2920.05

## History:

Details 5-1 02/26/2018 Claim #5 filed by City of Chicago Department, Amount claimed: \$2920.05 (Morales, Leticia)

## Description:

## Remarks:

Creditor:	<b>Claim No: 6</b>	Status:
(26559981)	Original Filed	Filed by: CR
Premier	Date: 03/19/2018	Entered by:
Bankcard, Llc	Original Entered	Rhonda Pratt
Jefferson Capital	Date: 03/19/2018	Modified:
Systems LLC As-		
signee		
Po Box 7999		
Saint Cloud Mn		
56302-9617		

Amount claimed: \$603.48

## History:

Details 6-1 03/19/2018 Claim #6 filed by Premier Bankcard, Llc, Amount claimed: \$603.48 (Pratt, Rhonda)

## Description:

## Remarks:

Creditor:	<b>Claim No: 7</b>	Status:
(26559981)	Original Filed	Filed by: CR
Premier	Date: 03/19/2018	Entered by:
Bankcard, Llc	Original Entered	Rhonda Pratt
Jefferson Capital	Date: 03/19/2018	Modified:
Systems LLC As-		
signee		

Po Box 7999  
 Saint Cloud Mn  
 56302-9617

Amount claimed: \$521.25

History:

Details 7-1 03/19/2018 Claim #7 filed by Premier Bankcard, Llc, Amount claimed: \$521.25 (Pratt, Rhonda)

Description:

Remarks:

**Claims Register Summary**

**Case Name:** Robbin L Fulton

**Case Number:** 18-02860

**Chapter:** 13

**Date Filed:** 01/31/2018

**Total Number Of Claims:** 7

Total Amount Claimed*	\$43961.95
Total Amount Allowed*	

\*Includes general unsecured claims

**The values are reflective of the data entered. Always refer to claim documents for actual amounts.**

	<b>Claimed</b>	<b>Allowed</b>
<b>Secured</b>	\$23765.64	
<b>Priority</b>		
<b>Administrative</b>		



**CLAIM 1-2**  
**Filed: April 27, 2018**

Debtor 1  
**Robbin L Fulton**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number 18-02860

Official Form 410

**Proof of Claim**

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

**1. Who is the current creditor?**

City of Chicago Department of Finance

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

No

Yes. From whom?

**3. Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should notices to the creditor be sent?**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

**Where should payments to the creditor be sent? (if different)**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

**4. Does this claim amend one already filed?**

- No  
 Yes. Claim number on court claims registry (if known)

1  
Filed on  
02/13/2018  
MM/DD/YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

- No  
 Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?

- No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 3 9 7 0

**7. How much is the claim?**

\$11,831.20. Does this amount include interest or other charges?

- No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

**8. What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing

information that is entitled to privacy, such as health care information.

Parking Tickets

**9. Is all or part of the claim secured?**

No

Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe:

**Basis for perfection:** Vehicle Possessory Lien-2015 KIA

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$11,831.20

**Amount of the claim that is unsecured:** \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_ %

- Fixed  
 Variable

**10. Is this claim based on a lease?**

- No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

**11. Is this claim subject to a right of setoff?**

- No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?** A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- No  
 Yes. Check one:      **Amount entitled to priority**
- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).      \$ \_\_\_\_\_
- Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).      \$ \_\_\_\_\_
- Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).      \$ \_\_\_\_\_
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).      \$ \_\_\_\_\_
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).      \$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_\_)  
that applies. \$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

04/27/2018

MM/DD/YYYY

/s/ Leticia Morales

**Print the name of the person who is completing and signing this claim:**

Leticia Morales  
Legal Administrator  
Arnold Scott Harris P. C  
111 W. Jackson Ste 600  
Chicago IL 60604  
(312)423-7438  
oolan@harriscollect.com

**Notice - Plate Summary****Identity**

Notice: 5187963970

Owner: FULTON, ROBBIN L.

Last Noticed: 10-07-2016

Total Due: \$9,391.20

**Fee Summary**

<b>Fee Type</b>	<b>Reference Number</b>	<b>Create Date</b>	<b>Fee Amount</b>	<b>Current Amount Due</b>	<b>Type of Suspension/ Plan Type</b>
DLS-CERT	2547257	11-29-2015	\$20.00	\$20.00	Parking

**Plate Summary**

<b>License</b>			<b>Ticket Counts</b>		<b>Amounts Due</b>		
<b>Plate</b>	<b>ST</b>	<b>Type</b>	<b>Total</b>	<b>Outstanding</b>	<b>Tickets</b>	<b>Seizure</b>	<b>Total</b>
○ 193S108	IL	TMP	3	3	\$976.00	\$0.00	\$976.00
○ 2154959	IL	TMP	3	3	\$450.00	\$0.00	\$450.00



○ 3515569	IL	PAS	1	1	\$100.00	\$0.00	\$100.00
○ 501L080	IL	TMP	2	2	\$414.80	\$0.00	\$414.80
○ 7619916	IL	PAS	4	4	\$540.00	\$0.00	\$540.00
○ 8081748	IL	PAS	10	10	\$1,381.40	\$0.00	\$1,381.40
○ DBB1916	MI	PAS	1	1	\$0.00	\$0.00	\$0.00
○ E698154	IL	PAS	1	0	\$0.00	\$0.00	\$0.00
○ E996364	IL	PAS	2	2	\$158.60	\$0.00	\$158.60
○ K491267	IL	PAS	11	11	\$2,049.60	\$0.00	\$2,049.60

**Notice - Ticket Summary****Identity**

Notice: 5187963970

Owner: FULTON, ROBBIN L.

Last Noticed: 10-07-2016

Total Due: \$9,391.20

<b>Plate Number</b>	<b>Ticket Number</b>	<b>Issued Date</b>	<b>Pymt Plan</b>	<b>Ticket Queue</b>	<b>Notice Level</b>	<b>Next Upgrade Date</b>	<b>Last Noticed Date</b>	<b>Last Pay Date</b>	<b>Amount Due</b>
○193S108	0066233519	08-08-15	False	Bankruptcy	DLS		10-07-16		\$244.00
○193S108	0066233520	08-08-15	False	Bankruptcy	DLS		10-07-16		\$488.00
○193S108	0066236860	08-26-15	False	Bankruptcy	DLS		10-07-16		\$244.00
○2154959	0038494596	04-09-02	False	Bankruptcy	DLS		10-07-16		\$250.00
○2154959	0038525214	04-15-02	False	Bankruptcy	DLS		10-07-16		\$100.00
○2154959	0038616392	04-28-02	False	Bankruptcy	DLS		10-07-16		\$100.00
○3515569	0040791220	12-04-02	False	Bankruptcy	DLS		10-07-16		\$100.00
○501L080	0058318499	05-29-10	False	Bankruptcy	DLS		10-07-16		\$122.00

○501L080	0058318500	05-29-10	False	Bankruptcy	DLS		10-07-16		\$292.80
○7619916	0047506934	03-07-05	False	Bankruptcy	DLS		10-07-16		\$100.00
○7619916	0049320203	01-06-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○7619916	0049320201	01-06-06	False	Bankruptcy	DLS		10-07-16		\$240.00
○7619916	0049320202	01-06-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	0050167853	07-11-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	9057391983	08-14-06	False	Bankruptcy	DLS		10-07-16		\$60.00
○8081748	0050226968	08-28-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	0050226783	08-29-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	0050769990	09-25-06	False	Bankruptcy	DLS		10-07-16		\$200.00
○8081748	0050566798	09-28-06	False	Bankruptcy	DLS		10-07-16		\$180.00
○8081748	0051347495	11-26-06	False	Bankruptcy	DLS		10-07-16		\$100.00
○8081748	9057509824	08-03-07	False	Bankruptcy	DLS		10-07-16	04-29-14	\$201.40
○8081748	0052655613	10-28-07	False	Bankruptcy	DLS		10-07-16		\$240.00

○8081748	9071939027	11-23-07	False	Bankruptcy	DLS		10-07-16		\$100.00
○DBB191 6	6042510490	01-22-15	False	Warning			03-13-15		\$0.00
○E698154	9188540360	04-10-15	False	Paid	DETR	06-15-15	05-21-15	05-28-15	\$0.00
○E996364	9189254365	09-05-15	False	Bankruptcy	DLS		10-07-16		\$158.60
○E996364	6043327472	09-20-15	False	Warning			10-16-15		\$0.00
○K491267	7002865828	08-07-10	False	Bankruptcy	DLS		10-07-16		\$244.00
○K491267	9180180229	11-18-10	False	Bankruptcy	DLS		10-07-16		\$122.00
○K491267	0058927480	03-17-11	False	Bankruptcy	DLS		10-07-16		\$122.00

**IMPOUND DEBT**

FINE - \$1,000.00

TOW - \$150.00

STORAGE -\$1,290.00TOTAL = **\$2,440.00**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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CASE NO. 18 BK 02860  
CHAPTER 13

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IN RE: ROBBIN L. FULTON,

*Debtor.*

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Honorable Jack B. Schmetterer  
Filed May 29, 2018  
Entered May 29, 2018

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**ORDER OF COURT *SUA SPONTE***

IT IS HEREBY ORDERED:

David Holtkamp, an attorney for The City of Chicago, is hereby ordered to file herein a statement signed by him no later than noon on May 30, 2018, identifying the name, title, office address, and phone number, of the person who has care, custody, and control of automobiles that are impounded by The City of Chicago.

ENTER:

Dated: 29 May, 2018

/s/ Jack B. Schmetterer  
Honorable Jack B. Schmetterer  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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CASE NO. 18 BK 02860  
CHAPTER 13

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IN RE: ROBBIN L. FULTON,

*Debtor.*

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JUDGE: HON. JACK B. SCHMETTERER

Filed May 30, 2018

Entered May 31, 2018

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**ORDER OF COURT *SUA SPONTE***

On Motion of Court *sua sponte*, with regards to the Order entered on May 25, 2018 [Dkt. No. 40] requiring the City of Chicago to turnover Debtor's vehicle or face a monetary penalty of \$100.00 per day or partial day that it retains possession of the vehicle, IT IS HEREBY ORDERED THAT:

1. Steve Sorfleet, Deputy Commissioner of the City of Chicago Department of Streets and Sanitation, 2045 W. Washington, Basement, Steve.Sorfleet@cityofchicago.org, (312) 746-6955, must return Debtor Robbin Fulton's vehicle, a 2015 Kia Soul, License Plate No. AF23241, to her forthwith.
2. Counsel for the City of Chicago, David Holtkamp, must make arrangements with Debtor's counsel for such turnover.

3. The Courtroom Deputy will cause Mr. Sorfleet (Steve.Sorfleet@cityofchicago.org) to be served with a copy of this order by email forthwith.
4. In the event the vehicle is not returned to Debtor, Mr. Sorfleet is ordered to appear to explain why he has not complied with the Court's order at the hearing scheduled for Thursday, May 31, 2018 at 1:30 p.m. in Courtroom 682. At that time, the undersigned will consider whether a civil contempt proceeding is warranted against Mr. Sorfleet, if the vehicle has not been returned to Debtor by that date and time.
5. Should Mr. Sorfleet return the vehicle to Debtor before that time, he need not appear in court.
6. This matter is set for status on Thursday, May 2018 at 1:30 p.m. in Courtroom 682.

ENTER:

Dated this 30th day  
of May, 2018

/s/ Jack B. Schmetterer  
Jack B. Schmetterer  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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CASE NO. 18 BK 02860  
CHAPTER 13

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IN RE: ROBBIN L. FULTON, *Debtor.*

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JUDGE: HON. JACK B. SCHMETTERER  
Filed June 5, 2018  
Entered June 6, 2018

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**ORDER AND OPINION ON CITY OF CHICAGO'S  
MOTION FOR STAY PENDING APPEAL**

An Opinion and Order has been entered on Debtor Robbin Fulton's Motion for Sanctions and her Objection to Claim of the City of Chicago [Dkt, Nos. 39, 40 and 42]. The City has been ordered to return to Debtor her vehicle which was seized prepetition or face a monetary fine of \$100.00 per day. This ruling relies on *Thompson v. Gen. Motors Acceptance Corp., LLC*, 566 F.3d 699 (7th Cir. 2009) and its holding that the automatic bankruptcy stay requires return of an auto seized prebankruptcy. The City now seeks to stay the order entered in this case, and requests any bond needed for an appeal be waived.

Pursuant to Fed. R. Bankr. P. 8007, courts consider four factors when deciding whether to grant a stay pending appeal, "1) whether the appellant is likely to succeed on the merits of the appeal; 2) whether the ap-



pellant will suffer irreparable injury absent a stay; 3) whether a stay would substantially harm other parties in the litigation; and 4) whether a stay is in the public interest”. *Matter of Forty—Eight Insulations, Inc.*, 115 F.3d 1294, 1300 (7th Cir. 1997). Applicants seeking a stay pending appeal have the threshold burden of demonstrating the first two factors. *Id.* If the applicant cannot satisfactorily meet its burden on the first two factors, “inquiry into the balance of harms is unnecessary, and the stay should be denied without further analysis.” *Id.* at 1301.

**THE CRUX OF THE CITY’S ERROR; IT IS BOUND  
BY THE AUTOMATIC STAY**

The City argues the automatic stay does not apply to it because its continued possession of Debtor’s vehicle is necessary to maintain perfection of its possessory lien, and it is excepted from the automatic stay pursuant to 11 U.S.C. § 362(b)(3). It contends the passive possession of the vehicle is the “act” necessary to maintain perfection under that provision. The City relies upon a Seventh Circuit panel’s interpretation of 11 U.S.C. § 362(a)(3) in *Thompson v. Gen. Motors Acceptance Corp., LLC*, 566 F.3d 699, 703 (7th Cir. 2009), a provision intended to prevent creditors from performing, “any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate.” In the *Thompson* opinion, the Seventh Circuit panel held that passive possession of property by a creditor constituted an “act” within the meaning of 11 U.S.C. § 362(a)(3). The City asserts the interpretation of “act” that the opinion set forth with regards to 11 U.S.C. § 362(a)(3) also applies to the meaning of “act” with regards to 11 U.S.C. § 362(b)(3). The latter provision states that the auto-

matic stay does not apply to “any act to perfect, or to maintain or continue the perfection of, an interest in property.” 11 U.S.C. § 362(b)(3). The City argues that “act” as applied in one provision means the same as “act” applied in the other. There is no act of the City needed to perfect its lien now.

The City, crucially, assumes that because the two statutes use the word “act,” their application must also be the same. This is clearly incorrect. The first provision, 11 U.S.C. § 362(a)(3), deals with the imposition of the automatic stay upon all property in which the debtor or their estate may have an interest. The scope of that provision is broad and it “automatically stays a wide array of... proceedings against the debtor and his property.” *Pa. Depft of Pub. Welfare v. Davenport*, 495 U.S. 552, 560 (1990), which clearly includes holding on to possession of debtor’s property. Conversely, 11 U.S.C. § 362(b)(3) is simply a narrow exception to the automatic stay allowing a creditor to perfect or maintain perfection of its lien by some “act” (not “act or omission”) during the pendency of a bankruptcy case. The City’s assertion that because the two provisions share the language of “act” the word means the same in both parts of the Bankruptcy Code wholly ignores the distinct context and purpose of the statutes. While the application of 11 U.S.C. § 362(a)(3) is meant to broadly protect any assets of the estate in which the debtor may have an interest, 11 U.S.C. § 362(b)(3) is meant only to protect a very particular set of creditors. The City’s entire argument springs forth from this erroneous line of reasoning leading it to contest that the bankruptcy stay does not apply to it as *Thompson* said it applies. It is that fatal error which compels the denial of their stay pending appeal.

**DISCUSSION**

The City of Chicago has not met its “heavy burden of showing not only that the judgment... was erroneous on the merits, but also that the applicant will suffer irreparable injury,” absent a stay. *Nken v. Holder*, 556 U.S. 418, 439 (2009). It also does not satisfy the third and fourth factors of the test described by the Seventh Circuit panel in *Matter of Forty—Eight Insulations*.

First, the City is unlikely to succeed on the merits. As the memorandum opinion [Dkt. No. 39] explained at length, the City has failed to meet the procedural burden imposed upon it by *Thompson v. Gen. Motors Acceptance Corp., LLC*, 566F.3d699 (7thCir. 2009) as to autos seized prebankruptcy once bankruptcy is filed. The crux of the City’s assertion that it does not need to comply with the *Thompson* decision is that because it has an exception to the stay pursuant to 11 U.S.C. § 362(b)(3), and it does not need to request a modification of the stay or any other procedural relief because the exception applies automatically. Thus, the City contends it is not required to take any action once the bankruptcy is commenced. The City asserts that because the Seventh Circuit held mere possession of a Debtor’s vehicle violated the automatic stay pursuant to 11 U.S.C. § 362(a)(3), mere possession of the vehicle must be enough to satisfy the requirements of maintaining perfection pursuant to 11 U.S.C. § 362(b)(3). *Thompson v. Gen. Motors Acceptance Corp., LLC*, 566 F.3d 699, 703 (7th Cir. 2009). The City argues that the meaning of “any act” between these two provisions cannot be any different. However, the City ignores the unique purposes behind each of these provisions. The purpose of 11 U.S.C. § 362(a)(3) is to prevent creditors from performing, “any act to obtain possession of property of the estate or of property from the estate or to

exercise control over property of the estate.” The objective is clearly to ensure that property in which the debtor has an interest remains within the estate. Conversely, 11 U.S.C. § 362(b)(3) clearly protects creditors, but only in circumstances where they already have a valid, perfected interest in the property and have performed some action in order to maintain that perfection. It is quite clear that the scope of § 362(b)(3) is narrow compared to the scope of § 362(a)(3). Therefore, a narrower application of the phrase “any act” is required.

When the exception to the stay of 11 U.S.C. § 362(b)(3) is construed narrowly, it is incumbent upon the City, once a debtor has made the request, to turnover the vehicle or initiate a proceeding to show why it should not be required to do so. A debtor must be allowed to offer an alternative lien to the City in her Chapter 13 plan. The City has been derelict in performing any of these actions during the four months since this bankruptcy was filed. The City’s assertion that rulings from other circuits serve as a basis for likelihood that the Seventh Circuit will agree with its position on *Thompson* is without merit. Indeed, one of the cases that the City relies on for that assertion, *WD Equip., LLC v. Cowen*, 849 F.3d 943, 948 (10th Cir. 2017), acknowledges that the Seventh Circuit panel’s holding in *Thompson* is the Circuit rule. There is no reason to believe that, upon appeal, *Thompson* will be reconsidered in any meaningful way. Moreover, whether the City has a valid possessory lien, and whether such lien is excepted from the automatic stay pursuant to 11 C.S.C. § 362(b)(3) is highly questionable. *In re Howard*, No. BR 17-25141, 2018 WL 1805587 (Bankr. N.D. Ill. Apr. 19, 2018).

Additionally, as Debtor has correctly pointed out, the City cannot now raise the issue of whether its retention of the vehicle is additionally excepted from the automatic stay pursuant to 11 C.S.C. § 362(b)(4). As a Seventh Circuit panel stated, “it is well established that a party waives the right to argue an issue on appeal if he failed to raise that issue before the lower court.” *Christmas v. Sanders*, 759 F.2d 1284, 1291 (7th Cir. 1985); *Towle v. Pullen*, 238 F. 107, 111 (7th Cir. 1916); *Fednav Int’l v. Cont’l Ins.*, 624 F.3d834,841 (7th Cir. 2010) (“A party ‘waive[s] the ability to make a specific argument for the first time on appeal when the party failed to present that specific argument to the district court, even though the issue may have been before the district court in more general terms.”). While the City did make a reference to its dangerous driver statute in its briefs, it did not attempt to argue that in this case Debtor is such a driver. The City never requested a hearing regarding the dangerous nature of Debtor’s driving. The City cannot now assert it is excepted from the stay pursuant to 11 U.S.C. § 362(b)(4) because it did not do so before the opinion was issued.

It is likely that the City will be held responsible to comply with turnover. The City’s argument that the automatic stay does not bind it is weak at best. Given the number of legal issues raised regarding the City’s postpetition possession of Debtor’s vehicle, it is unlikely that the City will succeed on appeal.

Second, there is no evidence that the City will suffer irreparable harm absent a stay pending appeal. Should the City wish to retain possession of the vehicle, it can certainly afford to pay Debtor \$100.00 per day in order to ensure she may obtain some other form of transportation. This is a small price to pay, enough to allow Debtor to rent a car, and is justified by the diffi-

culty imposed upon the Debtor. Should the City choose not to retain possession of the vehicle, it may return it to Debtor and it will not be required to pay anything. The City's contention that Debtor is likely simply to dismiss her bankruptcy case and abscond with the vehicle is unlikely. Debtor is employed and needs the auto to get to work. Overall, no great harm will come to the City if it is required to comply with the order.

Third, a stay will clearly harm Debtor. As discussed above, Debtor requires the vehicle to earn a living and make payments on her Chapter 13 plan.

Fourth, the City is engaged in wholesale disregard of *Thompson* to the harm of many debtors who are crippled by lack of transportation. The public interest demands obedience to the Bankruptcy Code as it is federal law protected by the Constitution's Supremacy Clause. U.S. CONST., art. VI, cl. 2.

### CONCLUSION

For the foregoing reasons, the City's Motion for Stay Pending Appeal is hereby denied.

ENTER:

/s/ Jack B. Schmetterer

Jack B. Schmetterer

United States Bankruptcy Judge

Dated this 5th day of  
June, 2018

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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BK No.: 18-16544  
CHAPTER 13

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IN RE: GEORGE PEAKE,

*Debtor.*

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Honorable Deborah L. Thorne  
Filed July 10, 2018  
Entered July 10, 2018

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**GEORGE PEAKE’S REPLY TO THE CITY  
OF CHICAGO’S RESPONSE TO MOTION  
FOR SANCTIONS**

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George Peake (“Mr. Peake”), Debtor, by and through his undersigned counsel, hereby files his Reply to the City of Chicago’s (the “City”) Response to Mr. Peake’s Motion for Sanctions and Turnover, and in support thereof states as follows:

**ARGUMENT**

As the 7th Circuit recognizes, a creditor may not “stick its head in the sand and pretend it would not lose any rights by not participating” in a bankruptcy proceeding. *In re Pence*, 905 F.2d 1107 (7th Cir. 1990). After passing Municipal Code § 9-92-080(f) (“M.C.C”) in November 2016 to close a “loophole” in the bankruptcy code,<sup>1</sup> the City has taken the position that they are nei-

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<sup>1</sup> See Exhibit A.

ther required to any action in bankruptcy proceedings to protect their rights nor release impounded vehicles upon the filing of a Chapter 13 bankruptcy proceeding – utterly disregarding the binding precedent set forth in *Thompson v. GMAC, LLC*, 566 F.3d 699 (7th Cir. 2009) (“*Thompson*”) and *U.S. v. Whiting Pools, Inc.*, 462 U.S. 198 (1983) (“*Whiting Pools*”) both finding turnover to be compulsory upon filing. By not releasing Mr. Peake’s 2007 Lincoln MKZ (“vehicle”), nor filing any motions before this Court, the City is expressly violating the automatic stay pursuant to 11 U.S.C. §362(a).

Despite the best efforts of the City to hide behind exceptions to the automatic stay in justifying their actions, primarily under 11 U.S.C. §362(b)(3) and (b)(4), neither exceptions, nor case law interpreting such exceptions, supports the contention that the City may disregard bankruptcy altogether and hold onto debtors’ vehicles upon the filing of, and even well after the filing of, a Chapter 13 case. The fatal flaw in the City’s contention is the failure to acknowledge that any purported lien in said vehicles would not be terminated by *involuntarily* relinquishing possession. Additionally, the validity of the City’s lien is questionable due to conflicts with federal law and the City exceeding its ability to expand state law as a home rule unit. For all the foregoing reasons, the City is in direct violation of the automatic stay and Mr. Peake’s motion for sanctions and turnover must be entered.

**1. *Thompson* Correctly Found Turnover Compulsory Upon the Filing of a Petition for Relief Under Chapter 13**

From the onset, the City’s brazen assertion that the Seventh Circuit’s 2009 decision in *Thompson* should be reversed is meritless and wholly irrelevant in as-



sessing whether the City is violating the automatic stay in the present case. Though two other Circuits have incorrectly chosen to not follow *Thompson*, it still remains the majority law<sup>2</sup> and binds this Court until the Seventh Circuit or United States Supreme Court holds otherwise. Therefore, this Court should not entertain or pay attention to the City’s diversionary tactic of opening its response with a faulty analysis on why *Thompson* was incorrectly decided.

**2. By Refusing to Turnover Mr. Peake’s Vehicle Upon Filing for Relief Under Chapter 13 of the Bankruptcy Code, the City is Violating the Automatic Stay Under 11 U.S.C. § 362(a)(3)**

To date, the City, after receiving notice of Mr. Peake’s filing for bankruptcy, has not, and will not, release his vehicle from the impound lot thereby violating the automatic stay. In general, pursuant to Section 362(a)(3) the filing of a petition “operates as a stay, applicable to all entities, of ... (3) any act to obtain possession of property of the estate or of property from the estate or *to exercise control* over property of the estate ... ” 11 U.S.C.A. § 362(a) (emphasis added). In interpreting what constitutes an “act” under this subsection, the majority of Courts hold passive possession of an asset of the estate to constitute an “act” to exercise control over property of the estate. *See Thompson*, 566 F.3d at 703; *see also Weber v. SEFCU (In re Weber)*,

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<sup>2</sup> *In re Cowen*, 849 F.3d 943, 948 (10th Cir. 2017) disagrees with *Thompson* but acknowledges that the “majority rule... is that the act of passively holding onto an asset constitutes ‘exercising control’ over it, and such action violates section 362(a)(3) of the Bankruptcy Code.”

719 F.3d 72, 81 (2d Cir. 2013); *California Emp't Dev. Dep't v. Taxel (In re Del Mission Ltd.)*, 98 F.3d 1147, 1151 (9th Cir. 1996); *Knaus v. Concordia Lumber Co. (In re Knaus)*, 889 F.2d 773, 775 (8th Cir. 1989).

Here, the City's continuing possession of Mr. Peake's vehicle post-petition is an act to exercise control of property of the estate and a violation of the automatic stay pursuant to *Thompson* and the City does not contest such a finding if found to not be within any of the exceptions to the stay. Additionally, the City has not utilized any mechanisms provided under the Code to protect their substantive rights as outlined in the Supreme Court's decision in *Whiting Pools* finding possessory lienholders may seek adequate protection, including a replacement lien, should the lienholder fear losing its lien absent possession of the collateral. *Whiting Pools*, 462 U.S. at 207.

**3. By Demanding Large Lumpsum Payments From Debtors During an Active Bankruptcy Case to Collect on Pre-Petition Debt, the City is Also Violating the Stay under 11 U.S.C. § 362(a)(6)**

In addition to violating the automatic stay under Section 362(a)(3), the City is violating the stay under Section 362(a)(6) with its new “policy” of demanding large lumpsum payments—typically either \$1,000 or \$1,250<sup>3</sup>—in addition to specific plan requirements to voluntarily release impounded vehicles pre-confirmation. Specifically, §362(a)(6) stays “any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under

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<sup>3</sup> See Exhibit B.

this title ... ” §362(a)(6). In analyzing whether a creditor’s actions fall within this subsection, Courts have looked to whether the specific conduct of the creditor is coercive in nature and demonstrates an intent to collect on pre-petition debt. *See In re Sportfame of Ohio, Inc.*, 40 B.R. 47, 50 (Bankr. N.D. Ohio 1984) (finding the creditor to have violated the automatic stay under subsection (a)(6) and the specific conduct coercive when the creditor, after being contacted by the debtor, refused to deliver goods to the debtor unless the debtor paid the creditor a certain amount of monies owed pre-petition); *see also In re Haffner*, 25 B.R. 882, 884-887 (Bkrtcy. N.D.Ind. 1982) (finding a government agency’s demand for payment or offset of pre-petition debt during an active bankruptcy case to be deemed a violation of the stay under Section 362(a)(6) and an “[i]ntention to prohibit creditors from taking any action against a debtor which is reasonably calculated to further disorganize the debtor’s efforts to deal with his financial problems and to interfere with a debtor’s attempt to rehabilitate.”).

Additionally, in light of the legislative history and intent of the automatic stay, stating that “[t]he automatic stay is one of the fundamental debtor protections provided by the bankruptcy laws ... it gives the debtor a breathing spell from his creditors ... it stops all collection efforts, all harassment and all foreclosure actions,” courts have found subsection (a)(6) “prevents creditors from attempting in *any way* to collect a pre-petition debt.” *See* U.S.Code Cong. & Admin.News 1978, p. 6298 (emphasis added); *see also* H.R.Rep. No. 595, 95 Cong. 1st Sess. 340 (1977) U.S.Code Cong. & Admin.News 1978, pp. 5787, 6296; *see also Matter of Haffner*, 25 B.R. 882, 886 (Bankr. N.D. Ind. 1982); *See also Matter of Heath*, 3 B.R. 351, 355 (Bankr. N.D. Ill.

1980) (holding a state university to violate the stay under Section (a)(6) when “the sole purpose behind the University’s conduct in withholding [Debtor’s] transcript is the collection of Heath’s prepetition debt ... the University’s conduct undeniably falls within the scope of section 362(a)(6) and clearly violates the automatic stay”).

Thus, in demanding debtors to pay large lumpsum payments to the City to retrieve their impounded vehicles pre-confirmation, the City is coercing debtors into paying monies to the City which rightfully should go to debtors’ necessary living expenses or split amongst the debtor’s other creditors. The Code explicitly prohibits such coercion and this demand is an act contemplated under §362(a)(6) and is a violation of the stay.

#### **4. The City is Not Entitled to an Exception to the Stay under 11 U.S.C. § 362(b)(3)**

The City does not fall within the exception of §362(b)(3) because possession of Mr. Peake’s vehicle is neither an act necessary to maintain or continue perfection of its purported lien nor fits within the definition of an “act” as contemplated by the provision. Pursuant to §362(b)(3), the automatic stay does not apply to “any act to perfect, or to maintain or continue the perfection of, an interest in property to the extent that the trustee’s rights and powers are subject to such perfection under section 546(b) of this title or to the extent that such act is accomplished within the period provided under section 547(e)(2)(A) of this title.” 11 U.S.C.A. §362(b)(3) (West). Under § 546(b), bankruptcy courts look to applicable state law in determining lien status and validity. Further, exceptions to the automatic stay, unlike applications of the automatic stay, are to be narrowly construed to further the purpose of the automat-

ic stay, “which is to ensure that all creditors are treated fairly and equally” and provide debtors with the ability to obtain a fresh start. *In re Glasply Marine Industries, Inc.*, 971 F.2d 391 (9th Cir. 1992).

***a. Possession of Mr. Peake’s Vehicle is Not Necessary to Maintain or Continue Perfection of the City’s Alleged Possessory Lien***

Pursuant to *Thompson*, returning pre-petition seized assets upon filing is *compulsory*. Accordingly, the City would not lose its purported lien by turning over Mr. Peake’s vehicle since it would be an *involuntary* release of the collateral causing the lien to survive. In assessing the exception under §362(b)(3), Congress stated that the “purpose of this exception is to protect, in spite of the surprise intervention of the bankruptcy petition, those whom state law protects by allowing them to perfect their liens or interests as of an effective date that is earlier than the date of perfection.” See S. Rep. 989, 95th Cong., 2d Sess. 86-87 (1978), reprinted in 1978 U.S. Code Cong. & Admin. News p. 5787; H.R. Rep. No. 595, 95th Cong., 1st Sess. 371-72 (1977), reprinted in 1978 U.S. Code Cong. & Admin. News 6327-28. Courts have recognized that Section 362(b)(3) was enacted to replicate certain provisions of the Uniform Commercial Code, “whereby the filing of a security of financial statement relates back to attachment and perfects a possessory lienholder’s lien.” See *In re Grede Foundries, Inc.*, 651 F.3d 786, 791 (7th Cir. 2011); *In re Prange Foods, Corp.*, 63 B.R. 211 (Bankr. W.D. Mich. 1986). Thus, the principal purpose of this exception is to protect lienholders from losing their liens by allowing the act of filing a statement post-petition to secure said lien pursuant to applicable state law.

First, if found to have a valid lien, the City will not lose its lien by surrendering the collateral pursuant to applicable state and common law because turnover of Mr. Peake's vehicle would be *involuntary*, thereby *not* resulting in the loss of the City's possessory lien. Though the general rule is that loss of possession terminates the possessory lien, courts have overwhelmingly found this only true when turnover is voluntary, not *involuntary*, such as by a court order or the automatic stay. See *In re WEB2B Payment Sols., Inc.*, 488 B.R. 387, 394 (Bankr. App. 8th Cir. 2013) (hereinafter "*WEB2B*"); *Gangloff Indus. v. Generic Fin. & Leasing, Corp.*, 907 N.E.2d 1059 (Ind. Ct. App. 2009) (holding that a possessory lien remained in effect after the secured creditor gave up possession of the collateral pursuant to an erroneous court order); *Air Ruidoso, Ltd. V. Exec. Aviation Ctr., Inc.*, 920 P.2d 1025 (N.M. 1996) ("[e]xcept when actual possession has been involuntarily relinquished, there is no doctrine of constructive possession that supports a possessory lien"); *Steve Heathcott Arabians, LLC v. Griffith*, 2017 WL 6616371, at \*3 (Ariz.App. Div. 1, 2017) (debtor illegally entering creditors property to retrieve collateral secured by possessory lien did not relinquish lien on horse) *Twin Falls County v. Coates*, 80 P.3d 1043, 1046 (Idaho 2003) (noting that a lien dependent on possession is only lost if the lienholder voluntarily relinquishes possession); *Davis v. Sewell*, 696 S.W.2d 247, 248 (1985) (where a horse temporarily escaped because of a downed fence, it was "not the kind of loss of possession which will defeat" an agister's lien); see also *In re Northrup*, 220 B.R. 855, 863 (Bankr. E.D. Pa. 1998) (a repair person's lien is not extinguished when the repair person surrenders possession in compliance with a court order). Thus, if applicable non-bankruptcy applicable state law would not

result in termination of a possessory lien after the lienholder is compelled to surrender possession, then the act of possession to maintain or continue perfection of its lien is not a necessary act under §362(b)(3) and the City may not avail themselves of this exception.

Specifically, in *WEB2B*, though the Court found the possessory lienholder to have lost its lien because it voluntarily released the collateral, the Court suggested that if turnover was involuntary, the creditor would not lose its lien. *In re Web2b*, 288 B.R. at 390-394. The Court further provided guidance on the procedural mechanisms afforded to creditors, including possessory lienholders, fearing a loss of possessory liens, stating that “the burden is on the party wishing to preserve its lien to ask the court to adequately protect its possessory lien by entering an order providing that such lien continue in the proceeds being turned over.” *Id.* at 389. Here, nor in any bankruptcy proceedings in this district, does the City seek such relief. *See In re Fulton*, 18 BK 02860, 2018 WL 2570109, at \*1 (Bankr. N.D. Ill. May 31, 2018) (“[t]he City has taken this tactical delay position to coerce debtors to pay traffic fines quickly and fully in their bankruptcy plan and also to avoid paying filing fees required for the filing of motions for relief from the automatic stay ... [i]n this way, the City is circumventing entirely the procedural burden imposed on it by *Thompson* and the protections provided to debtors by the automatic stay”).

Second, allowing the City to avail itself of this exception would run contrary to the underlying intent and purpose of the bankruptcy code and this exception. The City incorrectly asserts that the involuntary turnover concept is merely an equitable defense that may be raised in future judicial proceedings. However, not only is this not gleaned from the cases cited above, but

it is also irrelevant with respect to the City, a municipality that has gratuitously enacted ordinances allowing prompt seizure and impound of vehicles without judicial approval therefore not necessitating the need to ever raise an equitable defense to assert a lien or repossess of a vehicle.<sup>4</sup> Additionally, the City has a plethora of other mechanisms to collect on parking ticket debt absent impounding vehicles, including without limitation: suspending licenses, impounding future vehicles not tied to any of the debt, and offsetting state income tax refunds<sup>5</sup> – all of which are not afforded to the common creditor. Notably, the collateral itself, the vehicle, does not serve as a means of recouping debt through foreclosure, but rather an attempt to coerce repayment of exorbitant parking ticket debt as the City crushes rather than sells impounded vehicles.<sup>6</sup> Therefore, the City is adequately protected absent possession and does not frustrate “[t]he narrow purpose of this exception, i.e., to ‘protect, in spite of the surprise intervention of [the] bankruptcy petition, those whom State law protects’ by allowing [creditors] to perfect an interest they obtained before the bankruptcy proceedings began.” *In re Parr Meadows Racing Ass’n, Inc.*, 880 F.2d 1540, 1546 (2d Cir.1989) (quoting legislative

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<sup>4</sup> The City of Chicago’s Municipal Code authorizes the City to boot and impound vehicles due to outstanding parking ticket debt. Thus, should this case get dismissed or the City prevail on appeal, the City can easily seize Mr. Peake’s vehicle.

<sup>5</sup> See Exhibit C.

<sup>6</sup> M.C.C §§ 9-92-100(e) “disposal of a vehicle pursuant to this section shall not relieve the violator of inability for all costs, fines, penalties incurred in conjunction with such vehicle...” Thus, even if auctioned, the monies received by the City are not applied to the parking ticket debt.



reports). *Makoroff v. City of Lockport, N.Y.*, 916 F.2d 890, 891–92 (3d Cir.1990) (quoting legislative reports) (citing legislative history). *In re Grede Foundries, Inc.*, 651 F.3d 786, 791 (7th Cir. 2011).

Third, the City’s assertion that a “possessory lien without possession is absurd” not only shows a general lack of understanding of liens, but also raises the question of why the City persists on obtaining a possessory lien instead of a more secure lien, such as a statutory or consensual lien. In the broadest sense, “a lien is a claim, encumbrance, or charge on property for the payment of some debt, obligation, or duty. *Black’s Law Dictionary* 922 (6th ed.1990); see also *Thomas v. Shelton*, 740 F.2d 478, 482 (7th Cir. 1984). As discussed above, the City will still have its lien absent possession, therefore, a possessory lien without possession is not “absurd,” but an established truth. Thus, given the underlying purpose of § 362(b)(3), and the survival of the City’s purported lien absent possession, the City may not turn to this exception to justify not turning over Mr. Peake’s impounded vehicle.

***b. Passive Possession of Mr. Peake’s Vehicle is Not an “Act” as Contemplated by the Exception***

The City has also failed to demonstrate that mere possession constitutes an “act” under §362(b)(3), instead continuing to aver that because the word “act” is used in two subsections under the same section its definition and scope must be the same, completely ignoring the differences in the context and intent behind but subsections. See *In re Walker*, 2018 WL 700150 (February 8, 2018). Unlike in §362(a)(3), the exception does not include the language “to exercise control of property of the estate” which ultimately led to the ruling in

*Thompson* that passive possession did constitute an act. As stated above, exceptions to the stay are also narrowly construed while the automatic stay is broadly construed. Thus, in this context, an “act” must be affirmative under the exception, such as the filing of a statement to perfect a possessory lien, not inactively possessing vehicles. See *In re Tradewinds*, 394 B.R. 614 (Bankr. S.D. Fla. 2008) (holding that possession did not perfect a creditor’s mechanic’s lien under Florida law).

**5. The City is Not Entitled to an Exception to the Automatic Stay Under 11 U.S.C. § 362(b)(4) as its Impound Ordinance is for Purely Pecuniary Purposes**

The City alleges that they have a police power exception under 11 U.S.C. § 362(b)(4) to maintain possession of an impounded vehicle to enforce its traffic laws. However, this logic is flawed because Mr. Peake has a valid driver’s license and can still operate a motor vehicle legally in the City. Use of 11 U.S.C. §362(b)4 to maintain possession of an impounded vehicle is a tactic to collect on a debt rather than further the City’s health and safety concerns.

The exception provision in § 362(b)(4) provides that the automatic stay of actions against the debtor does not apply to “an action or proceeding by a governmental unit ... to enforce such governmental unit’s ... police and regulatory power.” In *In re McMullen*, 386 F.3d 320, 325 (1st Cir. 2004), the Court addressed two inquiries: (1) is the act “designed primarily to protect the public safety and welfare ... ” and (2) if the action is an attempt by the government to recover property from the estate, i.e., evidencing a pecuniary purpose. *Id.*; see also *In re Nortel Networks, Inc.*, 669 F.3d 128, 140

(3d Cir. 2011) (“If the purpose of the law is to promote public safety and welfare or to effectuate public policy, then the exception to the automatic stay applies. If, on the other hand, the purpose of the law is to protect the government’s pecuniary interest in the debtor’s property or primarily to adjudicate private rights, then the exception is inapplicable.”); *see also Parkview Adventist Med. Ctr. v. U.S. on behalf of Dept. of Health and Human Services*, 842 F.3d 757, 763 (1st Cir. 2016). In this instance, Mr. Peake, by operating a vehicle, is not a threat to the public safety or welfare. The City is trying to stretch the police powers exception to parking tickets solely for filling their coffers and not to maintain the welfare and safety of the citizens of Chicago.<sup>7</sup>

The City has failed to advance or submit any evidence demonstrating how Mr. Peake or his vehicle is a threat to public safety. Mr. Peake, personally, is not a threat to public safety since he is able to drive under the laws of the City and State. Terms “police or regulatory power,” as used in governmental powers exceptions to stay, refer to enforcement of state laws affecting health, morals and safety but not to regulatory laws that directly conflict with control of *res* or property by bankruptcy court. *Hillis Motors, Inc. v. Hawaii Auto. Dealers’ Ass’n, C.A.9*, 1993, 997 F.2d 581. The Debtor’s vehicle is property of the bankruptcy estate and is being held in an impound by City for financial reasons only. This policy of holding cars for financial reasons is further evidenced by the fact that the City releases the impounded vehicles once they get their full secured claim in the Chapter 13 plan. If the true purpose were

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<sup>7</sup> See Exhibit D – Providing statistical analysis of the City’s budget and Debt, including a finding that approximately 7 percent of the City’s budget relies on collecting on nonmoving violations.

for public safety it would stand to reason for the City to require a test or hearing to determine if the driver still posed a threat, but, money alone suffices.

The City's attempt to use the police power exception to maintain possession of the Debtor's vehicle is clearly a means to protect the City's pecuniary interest only. The City has not demonstrated how this Debtor is a threat to public safety by how he parks his vehicle. To determine if government agency's proceedings against debtor fit within the exception to automatic stay for proceedings to enforce regulatory or policy power, if government's proceeding relates primarily to protection of government's pecuniary interest in debtor's property, and not to matters of public policy, then proceeding should not be excepted from the stay; additionally, if proceeding is for purpose of advancing private rights, proceeding is not excepted from the stay. *Martin v. Safety Elec. Const., Co., Inc., D.Conn.*, 1993, 151 B.R. 637. The only reason for the City's maintained possession of Mr. Peake's vehicle is to get the City paid through the Chapter 13 plan.

**6. Howard Correctly Found the City to Exceed its Home Rule Authority in Passing an Ordinance Creating a Self-Serving Possessory Lien**

The Court in *In re Howard*, 584 B.R. 252 (Bankr. N.D. Ill. 2018) was correct in holding that the City "cannot expand on Illinois lien law" because its amended ordinance "is not consistent with Illinois law on possessory liens." *Id.* at 255. To determine whether there is conflict between municipal ordinances and state law, the court looks to whether the ordinance infringes upon the spirit of the state law or is repugnant to the policy of the state. *Village of Mundelein v. Hartnett*, 117 Ill.

App. 3d 1011, 1015 (Ill. App. 2d Dist. 1983) (“Municipalities “cannot \* \* \* adopt ordinances under a general grant of power which infringe upon the spirit of the State law or are repugnant to the general policy of the State”). The creation of property rights, i.e., a lien, is of statewide, not local municipal concern. Additionally, when “state law exists on a subject, the exercise of municipal authority must comport with the state law.” See *Harris Bank of Roselle v. Village of Mettawa*, 243 Ill.App.3d 103, 611 (2d Dist. 1993).

Here, the City’s creation of a possessory lien does not comport with state law and the fact that the Court in *Howard* relied on a definition for goods and services does not negate the overall legislative scheme of the state of Illinois. The Illinois legislature creates possessory liens as it sees fit. Contrary to the City’s assertion, the State of Illinois does not expressly authorize the City to create a possessory lien.

The statute cited by the City contains no direct references to lien creation, rather only authorizing a municipality to create “a program of immobilization for the purpose of facilitating enforcement of those regulations” including impounding vehicles. 625 ILCS 5/11-208.3(c). Though the statute contemplates immobilization to include impoundment, nothing in its provisions suggests or expressly authorizes the City to create a possessory lien. *Id.* Rather, the City has pieced together this perceived ability from open ended statutory language allowing them to create a “program” and a line of dicta from a non-binding state court opinion merely making a tangential observation that the vehicle can serve as collateral. See *People v. Jaudon*, 307 Ill. App. 3d 427, 447 (Ill. App. 1st Dist. 1999). Importantly, the court found the vehicle to serve as collateral because the City can “sell the vehicle and apply the

proceeds to the fines and charges.” *Id.* However, the City’s own municipal code expressly disallows this by crushing vehicles, not selling them, and in the rare circumstance vehicles are sold at auction, no proceeds are applied to the underlying debt.<sup>8</sup> Therefore, given the grand scheme and intent of the City’s ordinance, coupled with the State’s express intent to exclude the City as a creditor entitled to a possessory lien, the City exceeds its home rule authority.

### **7. The City’s Ordinance is Preempted by Federal Law**

The City’s response cites the district court ruling in *Baines v. Chicago* that since the City’s freshly updated MCC §9-92-80 “does not frustrate specific objectives of the Bankruptcy Code it is not preempted by federal bankruptcy law.” *Baines v. City of Chi.*, No. 17-cv-4926, 2018 U.S. Dist. LEXIS 56144, at \*8 (N.D. Ill. Mar. 22, 2018). The November 2016 amendment to the ordinance was implemented in January 2017, to coincide with the City of Chicago’s new policy of not releasing impounded vehicles upon the commencement of Chapter 13 bankruptcy proceedings. If the municipal ordinance indeed does not frustrate the bankruptcy code, it has failed its primary objective. The second footnote of the City’s response downplays the November 2016 amendment to the ordinance, positing the earlier rights of the City were identical, that it already had a possessory lien, and the amendment was merely cosmetic. A June 2017 proclamation accompanying a further amendment to the ordinance seemingly buttresses the City’s stance on this point. The proclamation reads:

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<sup>8</sup> M.C.C. §§ 9-92-100(e) “disposal of a vehicle pursuant to this section shall not relieve the violator of liability for all costs, fines, penalties incurred in conjunction with such vehicle...”

WHEREAS — in response to a growing practice of individuals attempting to escape financial liability for their immobilized or impounded vehicles, in November of 2016 the City Council of the City of Chicago (the “City”) amended the Municipal Code of Chicago (the “Code”) to clarify that the City has a possessory lien on those vehicles ...

Tellingly, the proclamation also clarifies the City had some insecurity regarding the ordinance in its earlier form as the City was preparing for battle in Bankruptcy Court. The City admits in the proclamation it amended the ordinance to help prevent individuals from escaping financial liability. Although unstated, the targeted method of escape cannot legitimately be argued to be anything other than federal bankruptcy law.

The District Court also incorrectly finds no conflict between the City’s law and the Bankruptcy Code. The City is using the law to retain collateral in direct contravention of 11 USC §362(a)(3), falsely claiming that retaining possession of the debtor’s vehicle is its “only mechanism available.” *Baines*, at \*8. The fact is the City has multiple mechanisms at its disposal to collect on parking fines in addition to holding cars as collateral. For one example of an alternate mechanism, the City routinely offsets state income tax refunds to collect on unpaid parking fines. The fact that the City cannot use its preferred mechanism in the context of bankruptcy proceedings does not make it unique amongst creditors as bankruptcy consistently modifies the rights of all creditors. The City’s November 2016 amendment is a strained attempt to fit the City’s square peg into the round hole of 11 USC §362(b)(3). It still doesn’t fit.

**CONCLUSION**

Mr. Peake's motion for sanctions and turnover should be granted because the City is in direct violation of the automatic stay pursuant to *Thompson* and fails to meet its burden of establishing the retention of impounded vehicles post petition fits within an exception to the automatic stay.

Respectfully Submitted.

/s/ John Wonais

John Wonais

Aaron Weinberg

Attorneys for the Debtor

The Semrad Law Firm, LLC

20 S. Clark Street, 28th Floor

Chicago, IL 60603

(312) 256-8516



*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)

**DOCKET NO. 23-1 EXHIBIT A**

**CITY OF CHICAGO  
OFFICE OF THE CITY CLERK  
DOCUMENT TRACKING SHEET**

**Meeting Date:** 5/24/2017

**Sponsor(s):** Austin (34)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Section 9-100-120 concerning immobilized vehicles obtained by City or its designee to be subject to possessory lien in amount required for release

**Committee(s) Assignment:** Committee on Budget and Government Operations

CHICAGO, June 28, 2017

To the President and Members of the City Council :

Your Committee on the Budget and Government Operations, having had under consideration an Ordinance introduced by Alderman Carrie M. Austin (34) authorizing an amendment to Chapter 9 of the Municipal Code of Chicago providing for a Possessory Lien in favor of the City of Chicago for immobilized vehicles ; and having had the same under advisement, begs leave to report and recommend that Your Honorable Body pass the Ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the Committee.

~~\_\_\_\_\_~~ members of the Committee with ~~\_\_\_\_\_~~ dissenting  
vote(s).

(Signed) /s/ Carrie M. Austin  
Carrie M. Austin  
Chairman

ORDINANCE

***BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF CHICAGO:***

**WHEREAS**, in response to a growing practice of individuals attempting to escape financial liability for their immobilized or impounded vehicles, in November of 2016 the City Council of the City of Chicago (the “City”) amended the Municipal Code of Chicago (the “Code”) to clarify that the City has a possessory lien on those vehicles; and

**WHEREAS**, the Code amendment referred solely to “impounded” vehicles, with the unintended consequence that the owners of vehicles that are immobilized in place, but not impounded, continue to avail themselves of a loophole and thereby avoid paying monies due to the City; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 9-100-120 of the Code is hereby amended by inserting the underscored text, as follows:

**9-100-120 Immobilization program.**

*(Omitted text is unaffected by this ordinance)*

(i) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current

state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Chapter 3-56 of this Code.

(i) Any vehicle immobilized by the City or its designee shall be subject to a possessory lien in favor of the City in the amount required to obtain release of the vehicle.

**SECTION 2.** This ordinance shall be in full force and effect upon its passage and approval.

/s/ Carrie M. Austin

Carrie M. Austin

Alderman, 34<sup>th</sup> Ward

APPROVED

\_\_\_\_\_  
CORPORATION COUNSEL

APPROVED

R. Emanuel

Mayor

7/6/17

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)  
**DOCKET NO. 23-2 EXHIBIT B**

**Ryan Crotty**

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**From:** David Lipschutz <DLipschutz@harriscollect.com>  
**Sent:** Wednesday, June 27, 2018 11:42 AM  
**To:** Ryan Crotty; Victor Stoynev  
**Cc:** David.Holtkamp2@cityofchicago.org;  
Chuck.King@cityofchicago.org  
**Subject:** [ ] - 18-16984 - Release of Vehicle (with Adequate Protection Down Payment)

**Categories:** Client Call back

Counsel,

Please be advised that your client's vehicle is eligible for release (pending the \$1,250.00 adequate protection payment). We have reviewed the modified Ch13 plan, and it appears to comply with the City procedure. Your client will now need to go to 400 W. Superior to make the \$1,250.00 adequate protection payment in order to obtain the release paper work and then to the pound thereafter to retrieve the vehicle. Your client will need to also have a driver's license, proof of insurance, and current registration to obtain the vehicle.

Sincerely Yours,

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**David W. Lipschutz, Esq.**  
Sr. Associate Attorney: Litigation, Bankruptcy, & 3P  
Liability  
111 W. Jackson Blvd., Suite 600, Chicago, IL 60604

Tel: 312.460.3962 | Fax: 312.460.3974  
E-mail: dlipschutz@harriscollect.com

**From:** Ryan Crotty [mailto:RCrotty@SemradLaw.com]  
**Sent:** Tuesday, June 26, 2018 8:43 PM  
**To:** David Lipschutz <DLipschutz@harriscollect.com>; Victor Stoynev <vstoynev@semradlaw.com>  
**Cc:** David.Holtkamp2@cityofchicago.org; Chuck.King@cityofchicago.org  
**Subject:** RE [ ] 18-16984

Hi David,

Attached please find the plan for this case.

Regards,

**Ryan P. Crotty**  
Associate Attorney  
  
The Semrad Law Firm, LLC  
20 S. Clark St., Suite 2800  
Chicago, IL 60603  
Phone: 312-913-0625 ext. 1680  
Fax: 312-254-3179

**Ryan Crotty**

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**From:** David Lipschutz <DLipschutz@harriscollect.com>  
**Sent:** Thursday, May 31, 2018 4:02 PM  
**To:** Corey Walters

**Cc:** Ryan Crotty; Ryan Crotty; Aaron Weinberg; Angela Villalobos; Israel Moskovits; Bozhidar Tonev; David Holtkamp; Chuck King

**Subject:** [ ] - 18-15696 - Filed Secured POC

Counsel,

The City has filed its secured POC in the amount of \$4,086.68. If your client is seeking release of vehicle prior to confirmation, please modify the plan to reflect that secured claim amount in Section 3.2 and provide in Part 8 that your client will pay \$1,000.00 to the City for release of [vehicle x]. Please send me a copy of the modified plan.

Please refrain from sending your client to 400 W. Superior unless and until release has been authorized.

Sincerely Yours,

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**David W. Lipschutz, Esq.**

Sr. Associate Attorney: Litigation, Bankruptcy, & 3P Liability

111 W. Jackson Blvd., Suite 600, Chicago, IL 60604

Tel: 312.460.3962 | Fax: 312.460.3974

E-mail: [dlipschutz@harriscollect.com](mailto:dlipschutz@harriscollect.com)

**From:** Corey Walters [mailto:CWalters@SemradLaw.com]

**Sent:** Thursday, May 31, 2018 2:36 PM

**To:** Holtkamp, David <David.Holtkamp2@cityofchicago.org>; David Lipschutz <DLipschutz@harriscollect.com>

**Cc:** Ryan Crotty <RCrotty@SemradLaw.com>; Ryan Crotty <rcrotty@stratusintelligence.com>; Aaron Weinberg <aweinberg@semradlaw.com>; Angela Villa-

lobos <avillalobos@semradlaw.com>; Israel Moskovits  
<IMoskovits@SemradLaw.com>; Bozhidar Tonev  
<BTonev@SemradLaw.com>

**Subject:** Impounded Vehicle

David,

My client has just filed a chapter 13 bankruptcy (18-15696) and her car is impounded after being booted. She is headed to 400 W. Superior to pay the \$1000.00 as we speak.

Attached you will find the bankruptcy plan and notice of filing.

My client's name is [ ], her license number is [ ] and her vehicle plate number is [ ]

Please file a proof of claim in the case.

Thank you,

Corey Aleksander Walters  
Attorney

The Semrad Law Firm, LLC

**John Wonais**

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**From:** Roger Leshinsky

**Sent:** Tuesday, July 10, 2018 11:04 AM

**To:** John Wonais

**Subject:** Fw:[ ] - 18-17177 - Release of Vehicle  
(with Adequate Protection Down Payment)

**From:** David Lipschutz <DLip-  
schutz@harriscollect.com>

**Sent:** Wednesday, June 20, 2018 2:58 PM  
**To:** Roger Leshinsky  
**Cc:** Holtkamp, David; King, Chuck  
**Subject :** [ ] - 18-17177 - Release of Vehicle (with Adequate Protection Down Payment)

Counsel,

Please be advised that your client's vehicle is eligible for release (pending the \$1,000.00 adequate protection payment). We have reviewed the modified Ch13 plan, and it appears to comply with the City procedure. Your client will now need to go to 400 W. Superior to make the \$1,000.00 adequate protection payment in order to obtain the release paper work and then to the pound thereafter to retrieve the vehicle. Your client will need to also have a driver's license, proof of insurance, and current registration to obtain the vehicle.

Sincerely Yours,

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**David W. Lipschutz, Esq.**  
Sr. Associate Attorney: Litigation, Bankruptcy, & 3P Liability  
111 W. Jackson Blvd., Suite 600, Chicago, IL 60604  
Tel: 312.460.3962 | Fax: 312.460.3974  
E-mail: dlipschutz@harriscollect.com

**John Wonais**

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**From:** Rigoberto Garcia  
**Sent:** Tuesday, July 10, 2018 11:04 AM  
**To:** John Wonais  
**Subject:** FW: [ ] - 18-17506 - Release of Vehicle (with Adequate Protection Down Payment)



**From:** David Lipschutz <DLipschutz@harriscollect.com>  
**Sent:** Thursday, June 21, 2018 10:58 AM  
**To:** Rigoberto Garcia <RGarcia@SemradLaw.com>; Alexander P. Preber <apreber@semradlaw.com>  
**Cc:** Jasmine T. Kimbrough <JKimbrough@SemradLaw.com>; David.Holtkamp2@cityofchicago.org; King, Chuck <Chuck.King@cityofchicago.org>  
**Subject :** [ ] 18-17506 - Release of Vehicle (with Adequate Protection Down Payment)

Counsel,

Please be advised that your client's vehicle is eligible for release (pending the \$1,000.00 adequate protection payment). We have reviewed the modified Ch13 plan, and it appears to comply with the City procedure. Your client will now need to go to 400 W. Superior to make the \$1,000.00 adequate protection payment in order to obtain the release paper work and then to the pound thereafter to retrieve the vehicle. Your client will need to also have a driver's license, proof of insurance, and current registration to obtain the vehicle.

Sincerely Yours,

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**David W. Lipschutz, Esq.**  
Sr. Associate Attorney: Litigation, Bankruptcy, & 3P Liability  
111 W. Jackson Blvd., Suite 600, Chicago, IL 60604  
Tel: 312.460.3962 | Fax: 312.460.3974  
E-mail: dlipschutz@harriscollect.com

**From:** Rigoberto Garcia [mailto:RGarcia@SemradLaw.com]  
**Sent:** Thursday, June 21, 2018 10:25 AM  
**To:** David Lipschutz <DLipschutz@harriscollect.com>; Alexander P. Preber <vpreber@semradlaw.com>  
**Cc:** Jasmine T. Kimbrough <JKimbrough@SemradLaw.com>; David.Holtkamp2@cityofchicago.org; King, Chuck <Chuck.King@cityofchicago.org>  
**Subject:** RE: [ ] 18-17506 - Filed Secured POC  
**Importance:** High

Please review the modified plan filed. Let us know when the debtor can go to City to pay the fee to get vehicle released.

Thank you

**John Wonais**

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**From:** David Lipschutz <DLipschutz@harriscollect.com>  
**Sent:** Wednesday, June 27, 2018 4:16 PM  
**To:** John Wonais  
**Cc:** Khadijah Allen; David Holtkamp; Chuck King  
**Subject:** [ ] 18-17849 – Release of Vehicle (with Adequate Protection Down Payment)

Counsel,

Please be advised that your client's vehicle is eligible for release (pending the \$1,000.00 adequate protection payment). We have reviewed the modified Ch13 plan, and it appears to comply with the City procedure. Your client will now need to go to 400 W. Superior to

make the \$1,000.00 adequate protection payment in order to obtain the release paper work and then to the pound thereafter to retrieve the vehicle. Your client will need to also have a driver's license, proof of insurance, and current registration to obtain the vehicle.

Sincerely Yours,

-----

**David W. Lipschutz, Esq.**

Sr. Associate Attorney: Litigation, Bankruptcy, & 3P Liability

111 W. Jackson Blvd., Suite 600, Chicago, IL 60604

Tel: 312.460.3962 | Fax: 312.460.3974

E-mail: [dlipschutz@harriscollect.com](mailto:dlipschutz@harriscollect.com)

**From:** John Wonais [<mailto:jwonais@semradlaw.com>]

**Sent:** Wednesday, June 27, 2018 1:21 PM

**To:** David Lipschutz <[DLipschutz@harriscollect.com](mailto:DLipschutz@harriscollect.com)>

**Cc:** Khadijah Allen <[KAllen@SemradLaw.com](mailto:KAllen@SemradLaw.com)>; David Holtkamp <[David.Holtkamp2@cityofchicago.org](mailto:David.Holtkamp2@cityofchicago.org)>;

Chuck King <[Chuck.King@cityofchicago.org](mailto:Chuck.King@cityofchicago.org)>

**Subject:** RE: [ ] - 18-17849 - Filed Secured POC

David,

Attached is the plan just filed. Please provide release info.

Regards,

***John Wonais***

*Associate Attorney*

*The Semrad Law Firm, LLC.*

*20 South Clark Street  
Chicago, IL 60603  
(312) 256-8516 – Direct  
(312) 913-0625 ext. 1148 - Office*

**John Wonais**

---

**From:** David Lipschutz <Dlip-schutz@harriscollect.com>  
**Sent:** Thursday, April 19, 2018 4:10 PM  
**To:** John Wonais  
**Cc:** David.Holtkamp2@cityofchicago.org; King, Chuck  
**Subject:** [ ] 18-11139 - Release of Vehicle (with Down Payment)

Counsel,

Please be advised that your client's vehicle is eligible for release (pending the \$1,000.00 adequate protection payment). We have reviewed the modified Ch13 plan, and it appears to comply with the City procedure. Your client will now need to go to 400 W. Superior to make the \$1,000.00 adequate protection payment in order to obtain the release paper work and then to the pound thereafter to retrieve the vehicle. Your client will need to also have a driver's license, proof of insurance, and current registration to obtain the vehicle.

If, after this email, your client does not seek to have vehicle released prior to confirmation, please contact me ASAP.

Sincerely Yours,

-----

**David W. Lipschutz, Esq.**

Sr. Associate Attorney: Litigation, Bankruptcy, & 3P  
Liability

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E-mail: dlipschutz@harriscollect.com

**From:** John Wonais [mailto:jwonais@semradlaw.com]

**Sent:** Wednesday, April 18, 2018 4:51 PM

**To:** David Lipschutz <DLipschutz@harriscollect.com>

**Cc:** David.Holtkamp2@cityofchicago.org; King, Chuck  
<Chuck.King@cityofchicago.org>

**Subject:** RE: [ ] 18-11139 - Filed Secured POC

Attached is a copy of the plan I just filed. Please send  
release info.

Regards,

*John Wonais*

*Associate Attorney*

*The Semrad Law Firm, LLC.*

*20 South Clark Street*

*Chicago, IL 60603*

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*(312) 913-0625 ext. 1148 – Office*

*(312) 284-4860 – Fax*

*JWonais@SemradLaw.com*

\* \* \*

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)

**DOCKET NO. 23-3 EXHIBIT C**

**CITY STARTS COLLECTING UNPAID FINES BY  
SEIZING STATE TAX REFUNDS**

February 28, 2012 at 9:26 pm

<https://chicago.cbslocal.com/2012/02/28/city-starts-collecting-unpaid-fines-by-seizing-state-tax-refunds/>

Filed Under: Glenn Popelka, Income Tax Refunds, Kristyn Hartman, Mike Brockway, Parking Tickets, The Expired Meter, Unpaid Fines

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[Image omitted]

**CHICAGO (CBS)** — Chicago taxpayers are starting to get the bad news: no state income tax refund for you.

As CBS 2's Kristyn Hartman reports, thousands could see their refunds disappear, because of unpaid city fines.

[Image omitted]

Glenn Popelka said he got a letter from the city about losing part of his tax refund over unpaid fines just two days after the City Council passed an ordinance authorizing the procedure.

"I've never known the city to move that quickly," he said.

Neither has Mike Brockway, the publisher of "The Expired Meter" website.

"I think it's kind of shocking how fast," Brockway said. Obviously, there's an incentive that they want to get in before the tax filing deadline."

Brockway said he learned that, just hours after the mayor signed an ordinance authorizing the city to collect unpaid fines by deducting the money from people's state income tax refunds, the state comptroller's office got a list of some 23,000 names.

If you are on that list, the state can withhold part or all of your tax refund to pay off unpaid fines from the city of Chicago. That includes parking tickets, or red light camera tickets. Anyone whose tax refund is withheld for unpaid fines can challenge the fines.

Popelka received a letter from the city informing him that \$100 was being taken out of his tax refund over an unpaid ticket.

"It was a surprise. It was a letter saying that the city was claiming \$100 out of my income tax refund from a ticket, it turns out, that was from October of 1993," Popelka said.

He said he doesn't remember getting the ticket, but said "this could be correct. ... There's just no way I can check, now. I don't believe the city enough to take their word for it. They might be right, they might be wrong. They've been wrong in the past."

Popelka said he has challenged tickets from the city in the past and, with check documentation, has won. But, he shredded his records from 1993 last summer.

"To reach back 18 years ago ... they should have done something a long time ago," Popelka said.

A city spokesperson told CBS 2 that only a small number of cases date back that far. People in those cases those should have received a final notice of determination about their unpaid fines sometime in 2005, the earliest year for which unpaid fines are eligible for collection through tax refund deductions.

Popelka said he doesn't remember being notified of an unpaid fine in 2005.

"If this was brought up in a timely fashion, I could have looked through my canceled checks, and I could have determined whether or not I paid this ticket," Popelka said. "I have no way of defending myself. That's what concerns me."

Popelka said he is going to issue a written challenge. He has 60 days to do so.

The state comptroller's office said, so far, 60 other people have issued challenges to fines deducted from their tax refunds. City officials said there is due process here and, if a mistake was made, they'll fix it. They said they already have in one case.



*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)

**DOCKET NO. 23-4 EXHIBIT D**

**ENFORCING INEQUALITY: BALANCING  
BUDGETS ON THE BACKS OF THE POOR**

**CALIFORNIA REINVESTMENT COALITION  
MARYLAND CONSUMER RIGHTS COALITION  
REINVESTMENT PARTNERS  
WOODSTOCK INSTITUTE**

**June 2018**

**ACKNOWLEDGEMENTS**

Woodstock Institute thanks the author of this report, Research Director Lauren Nolan, and greatly appreciates the efforts of editors and contributors Brent Adams, Jason Olson, Dory Rand, Beverly Berryhill, Patricia Woods-Hessing, and Jenna Severson. We would also like to thank our national collaborative partner organizations on this project: California Reinvestment Coalition, Reinvestment Partners, and Maryland Consumer Rights Coalition. Finally, Woodstock would like to extend a thank you to Melissa Sanchez of ProPublica Illinois for her invaluable insights during the research process.

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tageScore Solutions LLC, The Big Cat Foundation, The Chicago Community Trust, Polk Bros. Foundation, and MFUG Union Bank. The content of this report reflects the views of Woodstock and its partners and does not necessarily represent the views of our funders.

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[Image Omitted]

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[i]

## EXECUTIVE SUMMARY

In 2017, the City of Chicago issued over 3.6 million vehicle–related tickets, more, per capita, than New York and Los Angeles.<sup>9</sup> The majority of tickets issued were for non–moving violations. Ticket issuance is so pervasive that it makes up over seven percent of the City’s annual budget.<sup>10</sup> This practice is lucrative for a cash–strapped city, third–party debt collectors, and bankruptcy lawyers, but it is highly punitive to the City’s residents, particularly those who do not have the means to pay the tickets. Tickets quickly accrue additional fines and can land recipients in bankruptcy, vehicle impoundment, or with a driver’s license suspension.

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<sup>9</sup> Melissa Sanchez, Sandhya Kambhampati, “How Chicago Ticket Debt Sends Black Motorists Into Bankruptcy,” ProPublica Illinois, last modified February 27, 2018, <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>.

<sup>10</sup> Ibid.

Using data obtained from Freedom of Information Act requests submitted to the City of Chicago and the State of Illinois, this report quantifies the disparate impact that ticket issuance had on low-income communities and communities of color in Chicago. It analyzes the negative impacts of unpaid ticket debt such as bankruptcy, employment prohibitions, and loss of driver's licenses. Finally, it provides a series of policy recommendations aimed at addressing the issue.

### **A DISPARATE IMPACT ON LOW-INCOME AND MINORITY COMMUNITIES**

Tickets had disparate impacts on Chicago's most vulnerable residents. According to Woodstock Institute's analysis of tickets issued to Chicago drivers in 2017:

- Tickets were *40 percent* more likely to be issued to drivers from low-and moderate-income (LMI) zip codes than drivers from higher-income zip codes.
- Tickets were *40 percent* more likely to be issued to drivers from zip codes with a higher-than-average proportion of minority residents than drivers from non-minority zip codes.
- Ticket recipients from LMI and minority zip codes were twice as likely as recipients in non-LMI and non-minority zip codes to file for bankruptcy.
- Tickets issued to drivers from LMI and minority zip codes were more likely to go unpaid (and therefore accrue additional fines) than those issued to drivers from non-LMI and non-minority zip codes.
- Drivers from LMI and minority zip codes were more likely to have their driver's license suspended

for failure to pay tickets than drivers from non-LMI and non-minority zip codes.

### **CONSEQUENCES OF UNPAID TICKET DEBT**

*Additional Fines:* Tickets that are not paid on time double in value, and can accrue collection fees and interest. In 2017, Chicago issued \$87.59 million in late fees to Chicago drivers in addition to the \$162.76 million face value of the initial tickets. Tickets for drivers from LMI and minority zip codes were more likely than tickets for drivers from non-LMI and non-minority zip codes to go unpaid and double in amount.

[ii]

*Vehicle Seizure and Impoundment:* Unpaid tickets can result in vehicle immobilization (booting), towing, and impoundment. Chicago towed nearly 19,000 vehicles in 2016 due to unpaid tickets.<sup>11</sup> If recipients were not able to pay initial tickets, it is likely they were unable to afford additional fees resulting from towing and impoundment.

*Driver's License Suspension:* In 2016 and 2017, Chicago asked the Secretary of State to suspend 8,202 licenses for failure to pay tickets. The majority of these suspensions affected drivers from LMI and minority zip codes. License suspension can seriously jeopardize one's ability to keep a job. Driver's license suspensions were concentrated in zip codes with high rates of unemployment.

*Bankruptcy:* Ticket debt is driving a significant number of low-income and minority Chicagoans into bankruptcy. The federal court for the Northern Dis-

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<sup>11</sup> Ibid.

trict of Illinois leads the nation in Chapter 13 bankruptcy filings.<sup>12</sup> Between one-third and half of Chapter 13 filers are filing because local governments have suspended, or are threatening to suspend, their driver's licenses or seize their cars because they have accumulated excess fines.<sup>13</sup>

### **POLICY RECOMMENDATIONS**

Ticket issuance in Chicago is a broken system that amounts to a regressive revenue generation strategy. It burdens the City's most vulnerable residents and traps many in an inescapable cycle of debt. Reforms to this system are needed to address this issue and make the system work better for Chicago residents.

- **Limit Driver's License Suspensions:** End the practice of suspending driver's licenses for nonmoving violations, including failure to pay tickets and other fines/fees.
- **Provide Compliance Opportunity:** Implement a compliance program whereby drivers cited for a compliance issue, such as missing license plates or city stickers, have the opportunity to address the issue and avoid being assessed a fine.
- **Improve Repayment Plans:** Create and implement municipal repayment plans that are affordable to low-income households. Mandate that all cities have repayment plan options.

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<sup>12</sup> Ibid.

<sup>13</sup> Edward R. Morrison, Antoine Uettwiller, "Consumer Bankruptcy Pathologies," Columbia Law and Economics Working Papers, September 29, 2017, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2845497](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845497).

- **A Community Service Alternative:** Allow ticket recipients to pay off tickets through community service hours.
- **Institute Ability-to-Pay Determinations:** Institute ability-to-pay determinations whereby qualifying low-income persons are able to apply for reduced fine amounts.
- **Lower Fees for First-time and Low-income Offenders:** Allow first-time offenders and/or low-income drivers one-time fee waivers.
- **Write-offs/Statute of Limitations:** Institute a statute of limitations on ticket debt (none such exists in Illinois), and write off stale ticket debt.

[1]

## INTRODUCTION

This report examines resident indebtedness resulting from ticket issuance practices in the City of Chicago. In 2017, the City of Chicago issued 3.6 million vehicle-related tickets. Ticket issuance is lucrative for the City. In fact, tickets issued in 2016 brought in \$264 million, which was seven percent of the City's operating budget.<sup>14</sup> For many drivers, getting a ticket is a mere inconvenience. Those with the financial means to do so simply pay the ticket, chalking it up to bad luck or carelessness. But for those without the resources to pay, getting a ticket can be a nightmarish situation that can quickly lead to additional fines, bankruptcy, and loss of driving privileges. This revenue generation practice

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<sup>14</sup> Melissa Sanchez, Sandhya Kambhampati, "How Chicago Ticket Debt Sends Black Motorists Into Bankruptcy," ProPublica Illinois, last modified February 27, 2018, <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>.

unfairly attempts to balance the City budget regressively on the backs of the residents least able to afford it.

This report discusses the debt spiral phenomenon resulting from vehicle-related tickets. Using data obtained from Freedom of Information Act requests submitted to the City of Chicago and the State of Illinois, this report quantifies the disparate impact ticket issuance had on low-income communities and communities of color in Chicago. It analyzes the negative impacts of unpaid ticket debt such as bankruptcy, employment prohibitions, and loss of driver's licenses. Finally, it provides a series of policy recommendations aimed at addressing the issue.

#### **ANALYSIS OF CHICAGO TICKET DATA**

In 2017, the City of Chicago issued over 3.6 million vehicle-related tickets and warnings. Of these, 1.9 million were issued to Chicago residents.<sup>15</sup> Nine percent were issued to out-of-state drivers, and the remaining 38 percent were issued to Illinois drivers residing outside of Chicago. Violations were issued for over 100 different types of driving and parking offenses. The largest number of tickets was for red light violations (273,224), followed by speed violations over 11 miles per hour (mph) (250,238), and not possessing a city sticker (187,275).<sup>16</sup> The majority of tickets (54 percent) was for

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<sup>15</sup> "Chicago residents" were defined as those with a zip code within the City of Chicago. Drivers with a P.O. Box zip code rather than a physical zip code were excluded from the analysis.

<sup>16</sup> All Chicago residents driving, parking, leasing and/or owning a vehicle for which they are responsible in the City of Chicago are subject to the Chicago Wheel Tax and must purchase a Chicago City Vehicle Sticker. This includes Chicago residents who

non-moving violations such as missing city vehicle stickers, expired parking meters, or improper license plates. (See Figure 1).

[2]

**Figure 1: Tickets Issued by Type**

Violation Type	# of Tickets	Percent of Total (%)
Red light violation	273,224	14.2
Speed violation 11+ mph	250,238	13.0
No city sticker vehicle under/equal to 16,000 lbs.	187,275	9.7
Expired meter	175,917	9.1
Expired plates or temporary registration	162,059	8.4
Speed warning*	160,824	8.3
Street cleaning	144,982	7.5
Residential permit parking	100,094	5.2
Parking/standing	80,928	4.2

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maintain their registration outside of the City of Chicago, but use the vehicle in the City. Vehicle Stickers must be purchased within 30 days of residing in the City or acquiring a new vehicle to avoid late fees and fines. Revenue from the Chicago City Vehicle Sticker Sales Program funds street repair and maintenance.



prohibited any-time		
Speed violation 6-10	74,728	3.9
No standing/parking time restricted	36,828	1.9
Rush hour parking	32,938	1.7
Rear and front plate required	24,166	1.3
Within 15' of fire hydrant	23,142	1.2
Other	202,708	10.5

\*Does not result in a fine.

### **DISPARITIES IN TICKET ISSUANCE**

Ticket issuance had disparate impacts on certain groups of Chicago residents. Tickets were more likely to be issued to drivers from low- and moderate-income (LMI) zip codes and to drivers from minority zip codes than to other drivers.<sup>17</sup>

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<sup>17</sup> LMI zip codes were defined as zip codes where median family income was less than 80 percent of area median family income (\$74,700). Minority zip codes were defined as zip codes where the population of racial and/or ethnic minorities (Non-White and/or of Hispanic/Latino origin) exceeded the city average of 67.7 percent. Income and racial/ethnic data are from the 2016 Five-Year American Community Survey. There were 58 physical (non-P.O. Box) five-digit zip codes in Chicago. Twenty-five (43 percent) of these were LMI zip codes and 24 (41 percent) were minority zip codes.

Fifty percent of Chicago adults live in LMI zip codes, however, 58 percent of all tickets were issued to drivers from LMI zip codes. This disparity persisted despite the fact that residents in LMI areas were less likely than residents in non-LMI areas to commute by driving and to own a vehicle. According to American Community Survey data, of Chicagoans who drove to work rather than took public transportation, 46 percent lived in LMI zip codes and 54 percent lived in non-LMI zip codes. Similarly, 55 percent of all vehicles belonged to Chicago households in non-LMI zip codes, and 45 percent belonged to those in LMI zip codes. Despite these trends, tickets were 40 percent more likely to be issued to drivers from LMI zip codes than to those from non-LMI zip codes. (See Figure 2 and Figure 3).

**Figure 2: Tickets Issued, LMI and Non-LMI Zip Code Drivers**

	Tickets Issued		Adult Population <sup>18</sup>		Commuters Who Drove <sup>19</sup>		Vehicles <sup>20</sup>		Tickets Per 100 Adults
	#	%	#	%	#	%	#	%	
Non-LMI	743,349	42	1,090,283	50	402,826	54	653,147	55	68.18
LMI	1,026,081	58	1,072,142	50	347,595	46	531,821	45	95.70

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All but four LMI zip codes were also minority zip codes, and all but three minority zip codes were also LMI zip codes.

<sup>18</sup> Data are from the 2016 Five-Year American Community Survey.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

\* \* \*

There is an extensive body of research documenting racial profiling in traffic stops.<sup>21</sup> Studies have also shown that neighborhood characteristics play a role in policing and ticket issuance. Officers are more likely to issue tickets in neighborhoods characterized by higher levels of ‘disorganization’ and ‘disadvantage,’ than in other areas, when controlling for other factors.<sup>22</sup> It is possible that bias in the City’s policing practices and enforcement patterns is driving ticket disparities in Chicago.

Other explanations for the disparities in ticket issuance could stem from driving patterns. Higher-income zip codes tend to be in the central parts of the City, while lower-income zip codes are often further away from the central business district. Proximity to metered parking is likely driving higher rates of parking tickets in non-LMI and non-minority areas. It is possible that more centrally located residents drive fewer miles, drive less frequently, and have fewer opportunities to speed given the density of the street grid and traffic levels, thereby exposing themselves to less ticket risk than other drivers. Absent more detailed

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<sup>21</sup> Robin Shepard Engel and Jennifer M. Calnon, “Examining the Influence of Drivers Characteristics during Traffic Stops with Police: Results from a National Survey,” *Justice Quarterly* 21, no. 1 (August 20, 2004): doi:10.1080/07418820400095741; Patricia Warren et al., “Driving While Black: Bias Processes And Racial Disparity In Police Stops,” *Criminology* 44, no. 3 (September 1, 2006): doi:10.1111/j.1745-9125.2006.00061.x.

<sup>22</sup> Jason R. Ingram, “The Effect of Neighborhood Characteristics on Traffic Citation Practices of the Police,” *Police Quarterly* 10, no. 4 (December 1, 2007): doi:10.1177/1098611107306995.

data on vehicle miles traveled, it is difficult to discern how much these factors are impacting ticket issuance trends.

Given that parking and missing sticker violations make up a significant proportion of issued tickets, parking availability may also be impacting this trend. Drivers who are able to park their vehicles in private driveways or parking garages may be less likely to accrue tickets for missing city stickers, street cleaning violations, or expired meters than those who must park on the street. Income availability is also likely playing a role. Limited-income drivers may be more likely than higher-income drivers to let city stickers or license plate renewals lapse, thereby exposing them to ticket risk.

## **THE CONSEQUENCES OF UNPAID TICKETS**

### **TICKET OUTCOMES**

Ticket issuance caused various outcomes. The issuance of a warning did not, and presently does not, result in a fine (eight percent of all issued tickets were speed warnings). Some tickets (six percent in 2017) were dismissed following a court hearing. Of the remaining tickets, some were paid, and some went unpaid. In 2017, 67 percent of tickets requiring payment (excluding warnings and dismissed tickets) were paid by the recipient. Thirty-four percent went unpaid, which resulted in additional fines. The City was unable to contact the recipients of one percent of issued tickets to send notice of an outstanding violation. One percent of tickets went unpaid because the recipient was in, or filed for, bankruptcy.

One's ability to pay tickets had significant impacts on outcomes, as demonstrated by disparate ticket out-

comes between drivers from LMI and non-LMI zip codes. Tickets issued to drivers from LMI zip codes were more likely to go unpaid, resulting in doubling ticket amounts and additional fines, than tickets issued to drivers from non-LMI zip codes. Tickets were less likely to be dismissed for drivers from

\* \* \*

[11]

million in late fees to Chicago drivers. Tickets were much more likely to go unpaid and double in amount for drivers from LMI and minority zip codes than for other drivers. (See Figure 15 and Figure 16). In 2017, drivers from LMI zip codes received an aggregate of \$96.93 million in initial ticket fines, which averages to \$90.41 per adult.<sup>23</sup> Drivers from non-LMI areas received an aggregate of \$65.83 million in tickets, which is \$60.38 per capita. Additional fines resulting from failure to pay tickets were more than twice as high among drivers from LMI zip codes compared to drivers from non-LMI zip codes (\$59.59 versus \$21.74 per capita). Drivers from minority zip codes received on average \$91.74 per capita in initial ticket fines compared to \$60.17 for drivers from non-minority zip codes. Additional fines were nearly three times higher for drivers from minority zip codes than for drivers from non-minority zip codes (\$61.78 versus \$21.01 per capita).

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<sup>23</sup> Per capita calculations were made using the total adult population age 18 and older from the 2016 Five-Year American Community Survey.

**Figure 15: Fines, LMI and Non-LMI Zip Code Drivers**

	Initial Tickets		Additional Fines	
	<i>Aggregate</i>	<i>Per Capita</i>	<i>Aggregate</i>	<i>Per Capita</i>
Non-LMI	\$65.83 M	\$60.38	\$24.87 M	\$21.74
LMI	\$96.93 M	\$90.41	\$62.73 M	\$59.59
Total	\$162.76 M	\$75.27	\$87.59 M	\$40.51

**Figure 16: Fines, Minority and Non-minority Zip Code Drivers**

	Initial Tickets		Additional Fines	
	<i>Aggregate</i>	<i>Per Capita</i>	<i>Aggregate</i>	<i>Per Capita</i>
Non-minority	\$67.87 M	\$60.17	\$23.70M	\$21.01
Minority	\$94.88 M	\$91.74	\$63.89M	\$61.78
Total	\$162.76 M	\$75.27	\$162.76M	\$40.51

## VEHICLE IMMOBILIZATION & IMPOUNDMENT

Unpaid tickets can result in vehicle immobilization (booting), towing, and impoundment. This results in additional fees that must be paid in full by the driver. Chicago towed nearly 19,000 vehicles in 2016 due to unpaid tickets.<sup>24</sup> If recipients were not able to pay initial

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<sup>24</sup> Melissa Sanchez, Sandhya Kambhampati, “How Chicago Ticket Debt Sends Black Motorists Into Bankruptcy,” ProPublica

tickets, it is likely they were unable to afford additional fees resulting from towing and impoundment.

### **DRIVER'S LICENSE SUSPENSIONS**

Unpaid tickets may result in the loss of one's driver's license, which can have devastating impacts on workers' ability to obtain and retain employment. Driver's license suspension was originally conceived as an administrative sanction meant to alter bad driving behavior. Today, it is used in many states, including Illinois, to punish behaviors unrelated to driving. In Illinois, one's driver's license can be suspended for a variety of non-driving-related violations, including failure to pay parking tickets. According to data obtained from the Illinois Secretary of State, over 480,000 licenses were suspended from 2016 through 2017. Most suspensions were related to driving without insurance, but a significant

\* \* \*

[12]

number was for failure to pay tickets. In 2016 and 2017, municipalities asked the Illinois Secretary of State to suspend over 11,000 licenses for failure to pay 10 or more parking tickets.

Woodstock analyzed data on driver's license suspensions provided by the Illinois Secretary of State from 2016 and 2017. Among drivers with a Chicago zip code, 8,202 licenses were suspended for failure to pay parking tickets. Drivers living in LMI and minority zip codes were twice as likely as drivers from non-LMI and non-minority zip codes to have unpaid tickets,

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Illinois, last modified February 27, 2018, <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>.

therefore resulting in a license suspension. (See Figures 17 and 18).

**Figure 17: License Suspensions, LMI and Non-LMI Zip Code Drivers, 2016-2017**

	Suspensions	
	#	%
Non-LMI	1,619	25
LMI	6,583	75

**Figure 18: License Suspensions, Minority and Non-minority Zip Code Drivers, 2016-2017**

	Suspension	
	#	%
Non-minority	1,477	22
Minority	6,725	78

Studies have shown that driver's license suspension can have negative economic and social impacts, particularly among lower-income drivers.<sup>25</sup> Driver's license

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<sup>25</sup> John Pawasarat, *Removing Transportation Barriers to Employment: The Impact of Driver's License Suspension Policies on Milwaukee County Teens*, report, Employment & Training Institute, University of Wisconsin-Milwaukee, February 2000, accessed June 8, 2018, <http://www4.uwm.edu/eti/reprints/TeenDOT.pdf>; John Pawasarat and Frank Stetzer, *Removing Transportation Barriers to Employment: Assessing Driver's License and Vehicle Ownership Patterns of Low-Income Populations*, report, Employment & Training Institute, University of Wisconsin-Milwaukee, July 1998, accessed June 8, 2018, <http://www4.uwm.edu/eti/dot.htm>; Marti Maxwell, *The Suspended Driver: New Strategies Addressing the Impact of Driver's License Sus-*



suspension has a particularly detrimental impact on one's ability to find and maintain employment. According to a 2004 survey in New Jersey conducted by a research team at Rutgers University, 42 percent of survey respondents with a history of suspension lost their jobs when they had their driving privileges suspended.<sup>26</sup> Job loss was experienced among all income and age groups of suspended drivers, but was most significant among low-income and younger drivers. Forty-five percent of those who lost their job because of a suspension could not find another job, and of those who were able to find another job, 88 percent reported a decrease in income. Fifty-eight percent of survey respondents reported that the suspension negatively impacted their job performance.

[27]

## REFERENCES

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

\_\_\_\_\_  
BK No. 18-16544  
\_\_\_\_\_

IN RE: GEORGE PEAKE, *Debtor(s)*.

\_\_\_\_\_  
Chapter: 13  
Honorable Deborah L. Thorne  
Filed: August 15, 2018  
\_\_\_\_\_

**ORDER GRANTING DEBTOR'S MOTION FOR  
TURNOVER**

For the reasons expressed in this court's accompanying Memorandum Opinion, it is hereby ORDERED, ADJUDGED, and DECREED that:

- (1) The Debtor's Motion is GRANTED;
- (2) The City shall release the Debtor's 2007 Lincoln MKZ to the Debtor by 5:00 PM on August 17, 2018.

Enter:

/s/ Deborah L. Thorne  
Honorable Deborah L. Thorne  
United States Bankruptcy Judge

Dated: 8/15/2018

Prepared by:

**UNITED STATES BANKRUPTCY COURT,  
NORTHERN DISTRICT OF ILLINOIS**

JUDGE Deborah L. Thorne      Case No. 18bkl6544  
DATE August 22, 2018      Adversary Nos.  
CASE TITLE In re George Peake  
TITLE OF ORDER Order Denying Motion for Stay

**STATEMENT**

This matter comes on the Motion of the City of Chicago to Stay this court's August 15, 2018 order for turnover of Mr. George Peake's vehicle currently held by the City and determined by this court to be held in violation of the automatic stay of 11 U.S.C. § 362(a)(3). In the August 15 order, the City was ordered to release the Debtor's vehicle by August 18, 2018. On August 17, 2018, the City and the Debtor, Mr. George Peake, filed a joint certification for a direct appeal to the Seventh Circuit. The City now files this motion to stay the court's order to release the Debtor's vehicle.

**STANDARD TO CONSIDER A REQUEST FOR  
STAY PENDING APPEAL**

In considering whether to grant a stay pending appeal under Bankruptcy Rule 8007, courts consider the following four factors: 1) whether the appellant is likely to succeed on the merits of the appeal; 2) whether the appellant will suffer irreparable injury absent a stay; 3) whether a stay would substantially harm other parties in the litigation; and 4) whether a stay is in the public interest. *Matter of Forty-Eight Insulations, Inc.*, 115 F.3d 1294, 1300 (7th Cir. 1997). These factors mirror the factors to be considered in ruling on an ap-

plication for a preliminary injunction. As such, applicants for a stay pending appeal have a threshold burden to demonstrate the first two factors. They must show that they have some likelihood of success on the merits and that they will suffer irreparable harm if the requested relief is not granted. *Roland Machinery Co. v. Dresser Industries, Inc.* 749 F.2d 380, 386-87 (7th Cir. 1984). If the movant is unable to make the requisite showing on these two factors, there is no need to proceed to balance the remaining factors and the stay should be denied without further analysis. *Forty-Eight Insulations*, 115 F.3d at 1301.

#### **LIKELIHOOD OF SUCCESS ON THE MERITS**

The City must show that its chance of success on the merits at trial is “better than negligible.” *Roland*, 749 F.2d at 387. In the context of a stay pending appeal, where the City’s arguments have already been evaluated on the success scale, the City has a greater burden to demonstrate success than in the preliminary injunction setting. *Adams v. Walker*, 488 F.2d 1064, 1065 (7th Cir. 1973); *Forty-Eight Insulations*, 115 F.3d at 1301.

The City argues that *Thompson v. Gen. Motors Acceptance Corp., LLC*, 566 F.3d 699 (7th Cir. 2009) was wrongly decided and that the Seventh Circuit’s recent decision in *In re Thorpe*, 881 F.3d 536 (7th Cir. 2018) is in conflict with *Thompson*. As stated in this court’s memorandum opinion, it is not at liberty to decline to follow a decision of the Court of Appeals for the circuit in which it sits, unless it is “almost certain” that the Court of Appeals would repudiate its prior decision. *See Colby v. J.C. Penney Co.*, 811 F.2d 1119, 1123 (7th Cir. 1987). The City has not provided sufficient certainty that the Appellate Court will reverse itself and,

therefore, the City has not demonstrated that it is likely to succeed in reversing this court on its appeal to the Seventh Circuit Court of Appeals.

Although this court's interpretation of section 362(b)(3) has not been widely discussed by other courts, it is in harmony with that of another bankruptcy judge in this district. *See In re Fulton*, No 18 BK 02860, 2018 WL 2570109 (Bankr. N.D. Ill. May 31, 2018). Furthermore, it is in accord with the plain meaning of the text, principles of statutory construction, and legislative history.

This court's analysis is that the City's final determination of liability is a money judgment as that term is used in section 362(b)(4). The City's retention of the Debtor's vehicle constitutes the enforcement of that money judgment and, therefore, is not excepted from the operation of the automatic stay under section 362(b)(4). This analysis is based on the text of section 362(b)(4) and is supported by numerous decisions interpreting that section.

For all of the foregoing reasons, the City has not met its heightened burden to show that it is likely to succeed on the merits of its appeal.

#### **IRREPARABLE INJURY TO THE CITY**

For the City to prevail under the second prong, it must demonstrate that it will suffer injury that is neither remote nor speculative—that the harm to it is actual and imminent. *In re Revel AC, Inc.*, 802 F.3d 558, 571 (3d Cir. 2015). The City argues that if it relinquishes its possession of the Debtor's vehicle, it will be relinquishing its lien rights completely and lose perfection of those rights. This argument is contrary to this court's reasoning that the involuntary release of possession

does not destroy the City's possessory lien in the vehicle. [Dkt. No. 40] ("the right to possession of the item of property remains with the lienor despite the lienor's having been forced to give up actual possession of the item").

The City seems to believe that Mr. Peake is not acting in good faith and intends to allow his chapter 13 case to be dismissed after he receives his vehicle from the City. The City has not provided any evidence of this and asserts, without support, that Mr. Peake does not have insurance on the impounded vehicle. The docket in this case demonstrates that, to the contrary, Mr. Peake is moving toward confirmation in his case. He has filed objections to certain claims of taxing authorities and is scheduled for a confirmation hearing on September 12, 2018. The chapter 13 trustee has not filed any motions to dismiss which would indicate that Mr. Peake is making his monthly payments to the trustee and has filed all required documents. The City's insinuations that Mr. Peake is acting in bad faith by waging the fight to obtain release of his vehicle just to allow the case to be dismissed and to hoodwink the City has no basis other than mere speculation.

Mr. Peake has proposed a "100% plan" providing full payment of all nonpriority unsecured claims, which in this case would pay the City one hundred percent of what is owed on the City's claim. If Mr. Peake confirms and completes his proposed plan, the City should be paid all of its claim through the course of the plan. Thus, in reality, the City is better off if Mr. Peake confirms his plan than if it retains the vehicle and sells it or crushes it, as it stands to get full payment over time through the proposed plan. For these reasons, the City will not be irreparably harmed if the stay pending appeal is not issued and it is required to release the car.



**HARM TO MR. PEAKE IF THE STAY IS GRANTED**

Although the City has not demonstrated that it can succeed on either of the first two prongs, even if it could, it could not succeed on the third and fourth either. The harm to Mr. Peake of not having possession of his car will likely create a scenario where this chapter 13 case will not succeed. Currently he is imposing on friends, paying friends or UBER to drive him to and from Joliet on a daily basis. If he has access to his vehicle, he can drive to work, continue his employment with Amazon, and make full payments to the chapter 13 trustee, who will in turn pay his creditors, including the City. Again, the City argues that it will be without a lien upon release, which as stated above is simply not true, as any release by the City is involuntary and, as a result, the lien will continue. Mr. Peake has been without his car since the end of May 2018 and the storage charges have presumably continued to accrue.

Finally, the City argues that revenue from parking tickets and red-light violations is only 2% of the City's revenue and, as a result, the secured claim asserted is very small in relationship to the entire amount of revenue the City would expect to add to its budget. The harm to Mr. Peake is much greater as he has lost his ability to get to work easily and fund his plan.

**THE PUBLIC INTEREST DOES NOT FAVOR THE STAY IN THIS CASE**

This court is not disregarding the need for the City to regulate and enforce its traffic laws through the imposition of fines and penalties on registered vehicle owners. That being said, Mr. Peake is making an honest attempt to pay the City what it is owed. The City has final determinations against Mr. Peake for the past tickets on his vehicle and Mr. Peake does not deny that.

In fact, his proposed plan provides for payment of 100% of the amount owed to the City.

The City will retain its lien throughout the chapter 13 proceeding and, if all goes well, it will receive payment of the entire amount owed. Allowing Mr. Peake to proceed with his plan has the potential of putting more money in the City coffers and certainly has the possibility of deterring Mr. Peake and others from accruing additional tickets.

### **CONCLUSION**

The City's motion to stay pending appeal is denied and the Debtor's vehicle must be available for release by 5:00 p.m. on August 22, 2018.

Date: 8/22/2018

\_\_\_\_\_  
HONORABLE DEBORAH L. THORNE  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:

CASE NO. 18 B 16544

George Peake

HON. Deborah L Thorne

CHAPTER 13

DEBTOR

**DEBTOR'S MOTION FOR CIVIL CONTEMPT**

NOW COMES George Peake, Debtor, by and through his attorneys, The Semrad Law Firm, LLC, and moves this Honorable Court to find the City of Chicago in civil contempt for failure to comply with two orders issued by this Court mandating turnover of Mr. Peake's vehicle. In support thereof, the following is stated:

1. On June 9, 2018, Mr. Peake filed a petition for relief pursuant to Chapter 13, Title 11 U.S.C.
2. This Honorable Court has not yet confirmed Mr. Peake's Chapter 13 Plan of reorganization. The proposed Chapter 13 plan requires Mr. Peake to make plan payments to the Chapter 13 Trustee in the amount of \$400.00, on a monthly basis for an initial term of 36 months, paying 100% of both allowed secured and general unsecured claims.
3. On June 20, 2018, Mr. Peake filed a motion for sanctions and turnover against the City for re-

fusing to release his vehicle from the impound despite having notice of his bankruptcy filing.

4. On August 15, 2018, after both parties fully briefed the matter, this Honorable Court issued a memorandum opinion in favor of Mr. Peake and entered a separate order granting Mr. Peake's Motion and requiring the City to release his vehicle by 5:00 p.m. August 17, 2018. *See Exhibit A.*
5. That on August 15, 2018, Mr. Peake's Counsel reached out via e-mail to Counsel for the City of Chicago about release of the vehicle and the City's counsel responded with "I doubt it." *See Exhibit B.*
6. That on August 16, 2018, the City filed a notice of appeal to the Court of Appeals.
7. Further on August 17, 2018, the City's counsel stated they will not release the vehicle. *See Exhibit C.*
8. On August 17, 2018, the City filed a motion to stay the order pending appeal.
9. On August 22, 2018, this Honorable Court entered an order denying the motion for stay pending appeal and ordering the City to release Mr. Peake's vehicle by 5:00 p.m. the same day. *See Exhibit D.*
10. On August 22, 2018, Mr. Peake's counsel emailed Counsel for the City before 5:00 p.m. asking if they will be releasing Mr. Peake's vehicle in compliance with this Court's most recent order and was advised to let Counsel for the City know when we will file our motion for contempt. *See Exhibit E.*

11. As of August 22, 2018, 5:01 p.m., Mr. Peake is still without his vehicle, and the City has not released it from the impound.
12. Mr. Peake respectfully requests this Honorable Court enter an Order holding the City to be found in civil contempt for not complying with not only one, but two of this Court's orders mandating turnover of Mr. Peake's vehicle.
13. Mr. Peake further requests this Honorable Court to award Mr. Peake damages, requiring the City to compensate Mr. Peake \$100.00 per day between August 15 to August 22, 2018, and \$500.00 per day for each day thereafter for the City's continuous failure to comply with this Court's orders.
14. The City is willfully failing to comply with two court orders mandating turnover of Mr. Peake's vehicle.
15. Thus, pursuant to Section 105(a) and 362(k) of the Bankruptcy Code, the City is found in contempt for such violations and must compensate Mr. Peake for its willful actions.

WHEREFORE, the Debtor prays this Honorable Court for the following relief:

- A. That the City of Chicago be found and held in civil contempt for failing to comply and violating this Court's orders entered on August 15, 2018 and August 22, 2018;
- B. That the City of Chicago compensate Mr. Peake in the amount of \$100.00 per day between August 15th, 2018 and August 22, 2018, and \$500.00 per day for each day thereafter; and

- C. For any and all other relief this Court deems just and fair.

Respectfully Submitted.

/s/ Ryan P Crotty  
Attorney for Debtor  
The Semrad Law Firm, LLC  
20 S. Clark Street, 28th Floor  
Chicago, IL 60603  
(312) 913-0625

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)

**DOCKET NO. 55-2 EXHIBIT A**

**ORDER GRANTING DEBTOR'S MOTION  
FOR TURNOVER**

For the reasons expressed in this court's accompanying Memorandum Opinion, it is hereby ORDERED, ADJUDGED, and DECREED that:

(1) The Debtor's Motion is GRANTED;

(2) The City shall release the Debtor's 2007 Lincoln MKZ to the Debtor by 5:00 PM on August 17, 2018.

Enter:

/s/ Deborah L. Thorne  
Honorable Deborah L. Thorne  
United States Bankruptcy Judge

Dated: 8/15/2018

Prepared by:

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)  
**DOCKET NO. 55-3 EXHIBIT B**

Ryan Crotty

---

**From:** John Wonais  
**Sent:** Wednesday, August 22, 2018 4:04 PM  
**To:** Ryan Crotty  
**Subject:** FW: Ch-13 DLT 18-16544 George Peake  
Memorandum Opinion/Decision

**From:** David Holtkamp <David.Holtkamp2@cityofchicago.org>  
**Sent:** Wednesday, August 15, 2018 5:04 PM  
**To:** John Wonais <jwonais@semradlaw.com>; Aaron  
Weinberg <aweinberg@semradlaw.com>  
**Subject:** RE: Ch-13 DLT 18-16544 George Peake  
Memorandum Opinion/Decision

I doubt it.

-David

[IMAGE REMOVED]

Department of Law  
City of Chicago

David Paul Holtkamp  
Assistant Corporation Counsel Supervisor  
City of Chicago, Department of Law  
121 N. LaSalle St., Ste. 400 Chicago, Illinois 60602  
p. 312.744.6967  
e. David.Holtkamp2@cityofchicago.org



**From:** John Wonais [mailto:jwonais@semradlaw.com]  
**Sent:** Wednesday, August 15, 2018 4:37 PM  
**To:** David Holtkamp; Aaron Weinberg  
**Subject:** RE: Ch-13 DLT 18-16544 George Peake  
Memorandum Opinion/Decision

Will you be releasing the vehicle?

Regards,

***John Wonais***  
*Associate Attorney*  
*The Semrad Law Firm, LLC.*  
*20 South Clark Street*  
*Chicago, IL 60603*  
*(312) 256-8516 – Direct*  
*(312) 913-0625 ext. 1148 – Office*  
*(312) 284-4860 – Fax*  
***JWonais@SemradLaw.com***

\* \* \*

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)  
**DOCKET NO. 55-4 EXHIBIT C**

Ryan Crotty

---

**From:** John Wonais  
**Sent:** Wednesday, August 22, 2018 4:04 PM  
**To:** Ryan Crotty  
**Subject:** FW: Ch-13 DLT 18-16544 George Peake  
Motion to Stay Pending Appeal

**From:** David Holtkamp <David.Holtkamp2@cityofchicago.org>  
**Sent:** Friday, August 7, 2018 4:50 PM  
**To:** John Wonais <jwonais@semrdlaw.com>; Aaron  
**Weinberg** <aweinberg@semradlaw.com>  
**Cc:** Ryan Crotty <RCrotty@SemradLaw.com>  
**Subject:** RE: Ch-13 DLT 18-16544 George Peake  
Motion to Stay Pending Appeal

The City will not be releasing the vehicle while it is seeking a stay pending appeal. Unfortunately, this is the only way to protect our interest in the vehicle.

Thanks,  
-David

[IMAGE REMOVED]

Department of Law  
City of Chicago

David Paul Holtkamp  
Assistant Corporation Counsel Supervisor  
City of Chicago, Department of Law

121 N. LaSalle St., Ste. 400 Chicago, Illinois 60602  
p. 312.744.6967  
e. David.Holtkamp2@cityofchicago.org

**From:** John Wonais [mailto:jwonais@semradlaw.com]  
**Sent:** Friday, August 17, 2018 4:46 PM  
**To:** David Holtkamp; Aaron Weinberg  
**Cc:** Ryan Crotty  
**Subject:** RE: Ch-13 DLT 18-16544 George Peake  
Motion to Stay Pending Appeal

Thanks for the heads-up. To be clear, are you refusing to release the vehicle from the impound lot by 5:00 p.m. today despite the order requiring you to do so?

Regards,

*John Wonais*  
*Associate Attorney*  
*The Semrad Law Firm, LLC.*  
*20 South Clark Street*  
*Chicago, IL 60603*

\* \* \*

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)

**DOCKET NO. 55-5 EXHIBIT D**

**UNITED STATES BANKRUPTCY COURT,  
NORTHERN DISTRICT OF ILLINOIS**

JUDGE Deborah L. Thorne Case No. 18bkl6544

DATE August 22, 2018 Adversary Nos.

CASE TITLE In re George Peake

TITLE OF ORDER Order Denying Motion for Stay

**STATEMENT**

This matter comes on the Motion of the City of Chicago to Stay this court's August 15, 2018 order for turnover of Mr. George Peake's vehicle currently held by the City and determined by this court to be held in violation of the automatic stay of 11 U.S.C. § 362(a)(3). In the August 15 order, the City was ordered to release the Debtor's vehicle by August 18, 2018. On August 17, 2018, the City and the Debtor, Mr. George Peake, filed a joint certification for a direct appeal to the Seventh Circuit. The City now files this motion to stay the court's order to release the Debtor's vehicle.

**STANDARD TO CONSIDER A REQUEST FOR  
STAY PENDING APPEAL**

In considering whether to grant a stay pending appeal under Bankruptcy Rule 8007, courts consider the following four factors: 1) whether the appellant is likely to succeed on the merits of the appeal; 2) whether the appellant will suffer irreparable injury absent a stay; 3) whether a stay would substantially harm other parties in the litigation; and 4) whether a stay is in the public

interest. *Matter of Forty-Eight Insulations, Inc.*, 115 F.3d 1294, 1300 (7th Cir. 1997). These factors mirror the factors to be considered in ruling on an application for a preliminary injunction. As such, applicants for a stay pending appeal have a threshold burden to demonstrate the first two factors. They must show that they have some likelihood of success on the merits and that they will suffer irreparable harm if the requested relief is not granted. *Roland Machinery Co. v. Dresser Industries, Inc.* 749 F.2d 380, 386-87 (7th Cir. 1984). If the movant is unable to make the requisite showing on these two factors, there is no need to proceed to balance the remaining factors and the stay should be denied without further analysis. *Forty-Eight Insulations*, 115 F.3d at 1301.

#### **LIKELIHOOD OF SUCCESS ON THE MERITS**

The City must show that its chance of success on the merits at trial is “better than negligible.” *Roland*, 749 F.2d at 387. In the context of a stay pending appeal, where the City’s arguments have already been evaluated on the success scale, the City has a greater burden to demonstrate success than in the preliminary injunction setting. *Adams v. Walker*, 488 F.2d 1064, 1065 (7th Cir. 1973); *Forty-Eight Insulations*, 115 F.3d at 1301.

The City argues that *Thompson v. Gen. Motors Acceptance Corp., LLC*, 566 F.3d 699 (7th Cir. 2009) was wrongly decided and that the Seventh Circuit’s recent decision in *In re Thorpe*, 881 F.3d 536 (7th Cir. 2018) is in conflict with *Thompson*. As stated in this court’s memorandum opinion, it is not at liberty to decline to follow a decision of the Court of Appeals for the circuit in which it sits, unless it is “almost certain” that the Court of Appeals would repudiate its prior decision.

See *Colby v. J.C. Penney Co.*, 811 F.2d 1119, 1123 (7th Cir. 1987). The City has not provided sufficient certainty that the Appellate Court will reverse itself and, therefore, the City has not demonstrated that it is likely to succeed in reversing this court on its appeal to the Seventh Circuit Court of Appeals.<sup>27</sup>

Although this court's interpretation of section 362(b)(3) has not been widely discussed by other courts, it is in harmony with that of another bankruptcy judge in this district. See *In re Fulton*, No 18 BK 02860, 2018 WL 2570109 (Bankr. N.D. Ill. May 31, 2018). Furthermore, it is in accord with the plain meaning of the text, principles of statutory construction, and legislative history.

This court's analysis is that the City's final determination of liability is a money judgment as that term is used in section 362(b)(4). The City's retention of the Debtor's vehicle constitutes the enforcement of that money judgment and, therefore, is not excepted from the operation of the automatic stay under section 362(b)(4). This analysis is based on the text of section

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<sup>27</sup> The City cites *In re Thorpe*, 881 F.3d 536 (7th Cir. 2018), which holds that the estate only holds the property rights that the debtor held on the date of the bankruptcy petition, and in *Thorpe* that property right was a contingent interest in marital property. *Thompson*, on the other hand, deals with the automatic stay and holds that the property held by a creditor subject to its lien, but owned by the debtor, must be turned over to the debtor upon the imposition of the automatic stay and the request of the debtor because it is property of the estate. Each case has a different holding discussing different sections of the Bankruptcy Code, although both deal with property of the estate. That both cases deal with property of the estate should not obscure the fact that the court in *Thompson* was squarely concerned with the words "exercise control" in section 362(a)(3). This court is unable to conclude that, based upon *Thorpe*, *Thompson* will be overturned.

362(b)(4) and is supported by numerous decisions interpreting that section.

For all of the foregoing reasons, the City has not met its heightened burden to show that it is likely to succeed on the merits of its appeal.

### **IRREPARABLE INJURY TO THE CITY**

For the City to prevail under the second prong, it must demonstrate that it will suffer injury that is neither remote nor speculative—that the harm to it is actual and imminent. *In re Revel AC, Inc.*, 802 F.3d 558, 571 (3d Cir. 2015). The City argues that if it relinquishes its possession of the Debtor’s vehicle, it will be relinquishing its lien rights completely and lose perfection of those rights. This argument is contrary to this court’s reasoning that the involuntary release of possession does not destroy the City’s possessory lien in the vehicle. [Dkt. No. 40] (“the right to possession of the item of property remains with the lienor despite the lienor’s having been forced to give up actual possession of the item”).<sup>28</sup>

The City seems to believe that Mr. Peake is not acting in good faith and intends to allow his chapter 13 case to be dismissed after he receives his vehicle from the City. The City has not provided any evidence of this and asserts, without support, that Mr. Peake does not have insurance on the impounded vehicle. The docket in this case demonstrates that, to the contrary,

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<sup>28</sup> If the City gives up possession involuntarily because it is ordered to do so by virtue of the automatic stay, its perfection will continue throughout the bankruptcy proceeding. If the City is concerned about the impact of the dismissal of the bankruptcy case on its lien’s perfection, there is nothing preventing it from seeking an order from this court for adequate protection.

Mr. Peake is moving toward confirmation in his case. He has filed objections to certain claims of taxing authorities and is scheduled for a confirmation hearing on September 12, 2018. The chapter 13 trustee has not filed any motions to dismiss which would indicate that Mr. Peake is making his monthly payments to the trustee and has filed all required documents. The City's insinuations that Mr. Peake is acting in bad faith by waging the fight to obtain release of his vehicle just to allow the case to be dismissed and to hoodwink the City has no basis other than mere speculation.

Mr. Peake has proposed a "100% plan" providing full payment of all nonpriority unsecured claims, which in this case would pay the City one hundred percent of what is owed on the City's claim.<sup>29</sup> If Mr. Peake confirms and completes his proposed plan, the City should be paid all of its claim through the course of the plan. Thus, in reality, the City is better off if Mr. Peake confirms his plan than if it retains the vehicle and sells it or crushes it, as it stands to get full payment over time through the proposed plan. For these reasons, the City will not be irreparably harmed if the stay pending appeal is not issued and it is required to release the car.

#### **HARM TO MR. PEAK IF THE STAY IS GRANTED**

Although the City has not demonstrated that it can succeed on either of the first two prongs, even if it could, it could not succeed on the third and fourth either. The harm to Mr. Peake of not having possession of his car will likely create a scenario where this chapter 13 case will not succeed. Currently he is imposing on friends, paying friends or UBER to drive him to and

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<sup>29</sup> Although the City claims that it is fully secured, even if it is not, Mr. Peake proposes to pay it 100% through his plan.



from Joliet on a daily basis. If he has access to his vehicle, he can drive to work, continue his employment with Amazon, and make full payments to the chapter 13 trustee, who will in turn pay his creditors, including the City. Again, the City argues that it will be without a lien upon release, which as stated above is simply not true, as any release by the City is involuntary and, as a result, the lien will continue. Mr. Peake has been without his car since the end of May 2018 and the storage charges have presumably continued to accrue.<sup>30</sup>

Finally, the City argues that revenue from parking tickets and red-light violations is only 2% of the City's revenue and, as a result, the secured claim asserted is very small in relationship to the entire amount of revenue the City would expect to add to its budget. The harm to Mr. Peake is much greater as he has lost his ability to get to work easily and fund his plan.

**THE PUBLIC INTEREST DOES NOT FAVOR THE  
STAY IN THIS CASE**

This court is not disregarding the need for the City to regulate and enforce its traffic laws through the imposition of fines and penalties on registered vehicle owners. That being said, Mr. Peake is making an honest attempt to pay the City what it is owed. The City has final determinations against Mr. Peake for the past tickets on his vehicle and Mr. Peake does not deny that. In fact, his proposed plan provides for payment of 100% of the amount owed to the City. The City will retain its lien throughout the chapter 13 proceeding and, if all goes well, it will receive payment of the entire amount

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<sup>30</sup> This is only true if, in fact, this court were to allow the continued accumulation of storage charges in light of the violation of the automatic stay.

owed. Allowing Mr. Peake to proceed with his plan has the potential of putting more money in the City coffers and certainly has the possibility of deterring Mr. Peake and others from accruing additional tickets.

**CONCLUSION**

The City's motion to stay pending appeal is denied and the Debtor's vehicle must be available for release by 5:00 p.m. on August 22, 2018.

Date: 8/22/2018

*/s/ Deborah L. Thorne*  
Honorable. Deborah L. Thorne  
United States Bankruptcy Judge

*In re George Peake*  
Case No. 18-16544 (Bankr. N.D. Ill.)  
**DOCKET NO. 55-6 EXHIBIT E**

**Ryan Crotty**

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**From:** John Wonais  
**Sent:** Wednesday, August 22, 2018 4:03 PM  
**To:** Ryan Crotty  
**Subject:** FW: Peake

**From:** David Holtkamp <David.Holtkamp2@cityofchicago.org>  
**Sent:** Wednesday, August 22, 2018 2:22 PM  
**To:** Aaron Weinberg <aweinberg@semradlaw.com>  
**Cc:** John Wonais <jwonais@semradlaw.com>  
**Subject:** RE: Peake

We intend to seek a stay pending appeal from the Circuit Court. Please email me the motion for contempt when you file it.

Thanks,

-David

[IMAGE REMOVED]

Department of Law  
City of Chicago

David Paul Holtkamp  
Assistant Corporation Counsel Supervisor  
City of Chicago, Department of Law  
121 N. LaSalle St., Ste. 400 Chicago, Illinois 60602

p. 312.744.6967  
e. David.Holtkamp2@cityofchicago.org

**From:** Aaron Weinberg [mailto:[aweinberg@semradlaw.com](mailto:aweinberg@semradlaw.com)]  
**Sent:** Wednesday, August 22, 2018 2:19 PM  
**To:** David Holtkamp  
**Cc:** John Wonais  
**Subject:** Peake

David,

Is the car being released today pursuant to Judge Thorne's second order? Thank you

Aaron

Aaron Weinberg  
Managing Attorney  
Semrad Law LLC

\* \* \*

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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BK No.: 18-16544  
CHAPTER 13

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IN RE: GEORGE PEAKE,

*Debtor(s).*

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Honorable Deborah L. Thorne  
Filed August 29, 2018  
Entered August 29, 2018

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**ORDER FOR CONTEMPT**

This cause coming to be heard on Debtor's Motion for Contempt, the Court having jurisdiction over the matter, being fully advised on the premises and due notice being given, to the parties entitled thereto,

IT IS HEREBY ORDERED:

1. That the Debtor's Motion for Civil Contempt is Granted.
2. That the City of Chicago is found and held in civil contempt for failing to comply and violating this Court's orders entered on August 15, 2018 and August 22, 2018.
3. That the City of Chicago compensate Mr. Peake in the amount of \$100.00 per day between August 17<sup>th</sup>, 2018 and August 22, 2018, and \$500.00 per day for each day thereafter until such time as the Debtor's vehicle is released to him.

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Enter:

/s/ Deborah L Thorne

Honorable Deborah L. Thorne  
United States Bankruptcy Judge

Dated: August 29, 2018

**Prepared by:**

The Semrad Law Firm, LLC  
20 S. Clark Street, 28<sup>th</sup> Floor  
Chicago, IL 60603  
312-913-0625

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

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CASE NO. 18-04116  
CHAPTER 13

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IN RE: TIMOTHY SHANNON,

*Debtor*

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JUDGE: HON. CAROL A. DOYLE  
Filed June 12, 2018  
Entered June 12, 2018

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**MOTION FOR SANCTIONS FOR WILLFUL  
VIOLATION OF THE AUTOMATIC STAY**

The debtor(s), by and through counsel, and in support of their Motion for Sanctions for Willful Violation of the Automatic Stay pursuant to 11 U.S.C. § 362(a)(3), states to the court as follows:

1. The court has jurisdiction over this matter under 28 U.S.C. §§ 1334 and 157.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b).
3. The debtor(s) filed a petition for relief and a plan under Chapter 13 of the Bankruptcy Code on February 15, 2018.
4. At the time of filing, the debtor's vehicle, a 1997 Buick Park Avenue (hereinafter "the vehicle"), had been impounded by the City of Chicago (hereinafter "Creditor", who claims to have a possessory lien in the vehicle.

5. Upon filing, the vehicle became property of the bankruptcy estate pursuant to 11 U.S.C. § 541(a)(1).

6. On February 15, 2018, a plan was filed treating City of Chicago as a creditor.

7. On February 16, 2018 Notice of the bankruptcy was served upon the Creditors by the Clerk of the Court, including the City of Chicago. *See* Exhibit A.

8. On February 19, 2018, the City of Chicago filed a general unsecured proof of claim in the amount of \$3160.00. *See* Exhibit B

9. On April 26, 2018, an amended plan was filed to treat the City of Chicago's proof of claim of \$3160.00. *See* Exhibit C.

10. On May 1, 2018, the debtor's modified plan was confirmed, *See* Exhibit D, which treated the City of Chicago.

11. The City of Chicago did not object to the plan nor did the City file any motions before this Court.

12. Upon confirmation, Debtor's counsel twice contacted the Creditor to arrange for recovery of the vehicle on May 1, 2018 and once again June 1, 2018. 13. The Creditor's attorney advised that they would not release the vehicle unless the Debtor modifies the plan to treat their claim in full as a secured creditor.

14. On May 2, 2018, the City of Chicago amended their proof of claim to add impound fees and change their claim from unsecured to secured with a total claim of \$5600.00.

15. To date, the Creditor has refused to issue a release for the vehicle and allow for the debtor to recover the vehicle.



16. As held in *Theodore A. Thomson v General Motors Acceptance Corporation, LLC*. “...upon the request of a debtor that has filed for bankruptcy, a creditor must first return an asset in which the debtor has an interest to his bankruptcy estate and then, if necessary, seek adequate protection of its interests in the bankruptcy court.” *Theodore A. Thomson v General Motors Acceptance Corporation, LLC*, 566 F.3d 699; U.S. App. LEXIS 11113; Bankr. L. Rep. (CCH) P81,490; 61 Collier Bankr. Cas. 2d (MB) 1611.

17. The city instead of following the Seventh Circuit’s holding in *Thompson v. General Motors Acceptance Corporation, LLC*, 566 F.3d 699 (7th Cir. 2009)(“Thompson”), the City of Chicago has apparently taken the position that the opinion of Judge Cassling in *In re Avila*, 566 B.R.5588 (Bankr. N.D. Ill. 2017) is binding authority in all bankruptcy courts in the Northern District of Illinois, and therefore does not require them to turnover impounded vehicles nor participate in bankruptcy proceedings altogether.

17. The Bankruptcy Code “requires that a creditor immediately return a seized asset in which a debtor has an equity interest to the debtor’s estate upon her filing of Chapter 13 bankruptcy.” *Thompson*, 566 F.3d at 700. Additionally, Section 542(a) of the Code mandates that “turnover of a seized asset is compulsory.” *Id.* at 704. “The failure to fulfill their duty, regardless of whether the original seizure was lawful, constitutes a prohibited attempt to ‘exercise control over property of the estate’ in violation of the automatic stay.” *Knaus v. Concordia Lumber Co., Inc.*, 889 F.2d 773, 775 (8th Cir.1989) (“*In re Knaus*”).

20. The automatic stay prevents creditors from taking any action to collect on their debt including the

holding of a vehicle post-petition absent taking any action in the bankruptcy proceeding. *In re Radcliffe*, 563 F.3d 627, 630 (C.A.7 2009).

21. Additionally, pursuant to Judge Cox's recent opinion in *In Re Howard*, case 17-bk08656, the City of Chicago is bound by the terms of the confirmed plan, must return Debtor's Vehicle according to Thompson, and the court held that the City did not have a possessory lien as provided for in its ordinance because the ordinance was inconsistent with Illinois law.

22. Furthermore, pursuant to Judge Schmetterer's recent opinion *In Re Fulton*, case 18-bk00154, which presents the same fact pattern as this present case, the Court found the City of Chicago to be in violation of the automatic stay and failed to comply with the procedural requirements under Thompson.

23. The City of Chicago has not filed an emergency motion for relief nor any motion before this court.

24. In failing to allow the debtor to recover the vehicle, the Creditor has willfully violated the Automatic Stay under 11 U.S.C. § 362(a)(3), as set forth in *Thompson*.

25. The City of Chicago is not irreparably harmed nor are their substantive rights being modified or impaired by the automatic stay. Like thousands of other creditors, the City of Chicago is afforded various remedies under the Code and have failed to utilize them or take any action in this case.

26. Debtor respectfully requests this Court to enter an order requiring the City of Chicago to immediately release Debtor's vehicle.

WHEREFORE, the debtor requests that the court enter and order

- a. Requiring the City of Chicago to release possession of the debtor's 1997 Buick Park Avenue within two day from the date of the entry of the order,
- b. Assessing a \$100.00 per day sanction on the Creditor for every day the vehicle is not released to the debtor after two days from the entry of this order,
- c. Granting the debtor such other relief as is just and proper.

Respectfully submitted,

/s/Adam B. Bourdette  
Ledford, Wu & Borges, LLC.  
105 W. Madison St., 23rd Flr.  
Chicago, IL 60602  
312-853-0200

**Case No. 18-04116**

**Docket No. 33-2 EXHIBIT A**

Debtor 1  
**Timothy Shannon**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number (if known)

Check if this is an amended plan, and list below the sections of the plan that have been changed.

Official Form 113

**Chapter 13 Plan**

12/17

**Part 1: Notices**

**To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.**

In the following notice to creditors, you must check each box that applies.

**To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.**

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case.

If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

**1.1 A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor**

- Included  
 Not included

**1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4**

- Included  
 Not included

**1.3 Nonstandard provisions, set out in Part 8**

- Included  
 Not included

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$255 per Month for 36 month(s)

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner:**

*Check all that apply.*

Debtor(s) will make payments pursuant to a payroll deduction order.

Debtor(s) will make payments directly to the trustee.

Other (specify method of payment):

**2.3 Income tax refunds.**

Check one.

Debtor(s) will retain any income tax refunds received during the plan term.

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

Debtor(s) will treat income tax refunds as follows:

**2.4 Additional payments.**

Check one.

**None.** If “None” is checked, the rest of § 2.4 need not be completed or reproduced.

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$9,180.00**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

Check all that apply.

**None.** If “None” is checked, the rest of § 3.1 need not be completed or reproduced.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of under secured claims.**

Check one.

**None.** If “None” is checked, the rest of § 3.2 need not be completed or reproduced.

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

Check one.

**None.** If “None” is checked, the rest of § 3.3 need not be completed or reproduced.

**3.4 Lien avoidance.**

Check one.

**None.** If “None” is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral.**

Check one.

**None.** If “None” is checked, the rest of § 3.5 need not be completed or reproduced

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

#### **4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 5.70% of plan payments; and during the plan term, they are estimated to total \$523.44.

#### **4.3 Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$4000.00

#### **4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

**None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The debtor(s) estimate the total amount of other priority claims to be \$1,645.00

#### **4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

### **Part 5: Treatment of Nonpriority Unsecured Claims**

#### **5.1 Nonpriority unsecured claims not separately classified.**



Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of **\$3,011.60**

\_\_\_% of the total amount of these claims, an estimated payment of \$\_\_\_\_\_

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$225.00. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.** Check one.

None. If “None” is checked, the rest of § 5.2 need not be completed or reproduced.

**5.3 Other separately classified nonpriority unsecured claims.** Check one.

None. If “None” is checked, the rest of § 5.3 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.** Check one.

**None.** If “None” is checked, the rest of § 6.1 need not be completed or reproduced.

**Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

**Name of Creditor**

Owenita Shannon

**Description of leased property or executory contract**

454 W. 80<sup>th</sup> Street,  
Chicago, IL 60620

**Current installment payment**

\$500.00

Disbursed by:

Trustee

Debtor(s)

**Amount of arrearage to be paid**

\$0.00

**Treatment of arrearage** (Refer to other plan section if applicable)

**Estimated total payments to trustee**

\$0.00

*Insert additional contracts or leases as needed.*

**Part 7: Vesting of Property of the Estate**

**7.1 Property of the estate will vest in the debtor(s) upon.**

Check the applicable box:

- plan confirmation.
- entry of discharge
- other

**Part 8: Nonstandard Plan Provisions**

**8.1 Check “None” or List Nonstandard Plan Provisions**

**None.** If “None” is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

**The following plan provisions will be effective only if there is a check in the box “Included” in § 1.3.**

A. Any claim listed in Section 3.2 that is secured by real estate shall be treated in the same manner as a claim for mortgage arrears is treated under General Order No. 17-02.

**Part 9: Signature(s)**

**9.1 Signatures of Debtor(s) and Debtor(s)’ Attorney**

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below; otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.

/s/ Timothy Shannon  
 Timothy Shannon  
 Signature of Debtor 1

Executed on  
January 25, 2018

\_\_\_\_\_  
Signature of Debtor 2

Executed on

\_\_\_\_\_  
/s/ Andrew C. Marzan ARDC

Andrew C. Marzan ARDC #6316313

Signature of Attorney for Debtor(s)

Date

\_\_\_\_\_  
January 25, 2018

**By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.**

**Exhibit: Total Amount of Estimated Trustee Payments**

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	<b>Maintenance and cure payments on secured claims</b> (Part 3, Section 3.1 total)	\$0.00
b.	<b>Modified secured claims</b> (Part 3, Section 3.2 total)	\$0.00
c.	<b>Secured claims excluded from 11 U.S.C. § 506</b> (Part 3, Section 3.3 total)	\$0.00

d.	<b>Judicial liens or security interests partially avoided</b> (Part 3, Section 3.4 total)	\$0.00
e.	<b>Fees and priority claims</b> (Part 4 total)	\$6,168.40
f.	<b>Nonpriority unsecured claims</b> (Part 5, Section 5.1, highest stated amount)	\$3,011.60
g.	<b>Maintenance and cure payments on unsecured claims</b> (Part 5, Section 5.2 total)	\$0.00
h.	<b>Separately classified unsecured claims</b> (Part 5, Section 5.3 total)	\$0.00
i.	<b>Trustee payments on executory contracts and unexpired leases</b> (Part 6, Section 6.1 total)	\$0.00
j.	<b>Nonstandard payments</b> (Part 8, total)	\$0.00
	<b>Total of lines a through j</b>	\$9,180.00

**Case No. 18-4116**

**Docket No. 33-3 EXHIBIT B**

Debtor 1  
**Timothy Shannon**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number 18-04116

Official Form 410

**Proof of Claim**

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

**1. Who is the current creditor?**

City of Chicago Department of Finance

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

No

Yes. From whom?

**3. Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should notices to the creditor be sent?**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

**Where should payments to the creditor be sent? (if different)**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

**4. Does this claim amend one already filed?**

- No  
 Yes. Claim number on court claims registry (if known)  
 Filed on \_\_\_\_\_  
 MM/DD/YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

- No  
 Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

**6. Do you have any number you use to identify the debtor?**

- No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 9 4 6 0

**7. How much is the claim?**

\$3160.00. **Does this amount include interest or other charges?**

- No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

**8. What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim



required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

Parking Tickets

**9. Is all or part of the claim secured?**

No

Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe:

**Basis for perfection:**

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$ \_\_\_\_\_

**Amount of the claim that is unsecured:** \$ \_\_\_\_\_

(The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_ %

- Fixed  
 Variable

**10. Is this claim based on a lease?**

- No  
 Yes. **Amount necessary to cure any default as of the date of the petition.** \$ \_\_\_\_\_

**11. Is this claim subject to a right of setoff?**

- No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?** A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- No  
 Yes. Check one:      **Amount entitled to priority**
- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).      \$ \_\_\_\_\_
- Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).      \$ \_\_\_\_\_
- Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).      \$ \_\_\_\_\_
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).      \$ \_\_\_\_\_
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).      \$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_\_) that applies. \$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152,157, and 3571.**

*Check the appropriate box:*

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

2/19/2018

MM/DD/YYYY

/s/ Frank Suda

Signature

**Print the name of the person who is completing and signing this claim:**

Frank Suda  
Legal Administrator  
Arnold Scott Harris P. C  
111 W. Jackson Ste 600  
Chicago IL 60604  
(312)423-7438  
oolan@harriscollect.com

**Notice - Plate Summary****Identity**

Notice: 5022599460

Owner: SHANNON, TIMOTHY

Last Noticed: 02-19-2004

Total Due: \$3,160.00

**Fee Summary**

<b>Fee Type</b>	<b>Reference Number</b>	<b>Create Date</b>	<b>Fee Amount</b>	<b>Current Amount Due</b>	<b>Type of Suspension/ Plan Type</b>
DLS-CERT	117264	02-17-2002	\$20.00	\$0.00	Parking
DLS-CERT	2582090	07-02-2017	\$20.00	\$20.00	Default Park- ing

**Plate Summary**

License			Ticket Counts		Amounts Due		
Plate	ST	Type	Total	Outstanding	Tickets	Seizure	Total
○ AG61417	IL	PAS	3	3	\$400.00	\$0.00	\$400.00
○ BLF817	IL	PAS	1	1	\$50.00	\$0.00	\$50.00
○ F360297	IL	PAS	23	23	\$2,025.00	\$665.00	\$2,690.00

**Notice – Ticket Summary****Identity**

Notice: 5022599460

Owner: SHANNON, TIMOTHY

Last Noticed: 02-19-2004

Total Due: \$3,160.00

Plate Number	Ticket Number	Issued Date	Pymt Plan	Ticket Queue	Notice Level	Next Upgrade Date	Last Noticed Date	Last Pay Date	Amount Due
○ AG61417	6045277717	06-20-17	False	Notice			07-14-17		\$0.00

○ AG61417	6045580804	10-07-17	False	Bankruptcy	FINL		02-23-18		\$200.00
○ AG61417	6045598231	10-15-17	False	Bankruptcy	FINL		02-23-18		\$200.00
○ BLF817	0015772449	11-03-95	False	Bankruptcy	SEIZ		10-11-99		\$50.00
○ F360297	0028819955	04-07-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0028819954	04-07-99	False	Bankruptcy	SEIZ		10-11-99		\$50.00
○ F360297	0029472279	05-13-99	False	Bankruptcy	DLS		07-07-17		\$100.00
○ F360297	0029470601	05-29-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0029838815	10-04-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0030182450	10-16-99	False	Bankruptcy	DLS		07-07-17		\$60.00
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○ F360297	0030712073	11-15-99	False	Bankruptcy	DLS		07-07-17		\$120.00
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○ F360297	9061804400	12-01-99	False	Bankruptcy	DLS		07-07-17		\$100.00
○ F360297	0031183782	01-22-00	False	Bankruptcy	DLS		07-07-17		\$60.00
○ F360297	0031183783	01-22-00	False	Bankruptcy	SEIZ		05-07-00		\$50.00
○ F360297	0031764606	02-03-00	False	Bankruptcy	DLS		07-07-17	06-23-00	\$95.00
○ F360297	0032120238	02-12-00	False	Bankruptcy	SEIZ		05-07-00		\$50.00
○ F360297	0032120239	02-12-00	False	Bankruptcy	DLS		07-07-17		\$120.00
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○ F360297	0032623854	04-09-00	False	Bankruptcy	SEIZ		10-22-00		\$50.00
○ F360297	9092144340	04-09-00	False	Bankruptcy	DLS		07-07-17		\$50.00
○ F360297	0032617421	04-23-00	False	Bankruptcy	DLS		07-07-17		\$200.00
○ F360297	0033417763	08-14-00	False	Bankruptcy	SEIZ		10-22-00		\$50.00
○ F360297	0033417764	08-14-00	False	Bankruptcy	DLS		07-07-17		\$120.00



**Case No. 18-4116**

**Docket No. 33-4 EXHIBIT C**

Debtor 1  
**Timothy Shannon**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number (if known) 18-04116

■ Check if this is an amended plan, and list below the sections of the plan that have been changed. **1.3; 2.2; 2.3; 5.1; 8.1**

Official Form 113

**Chapter 13 Plan**

12/17

**Part 1: Notices**

**To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.**

*In the following notice to creditors, you must check each box that applies*

**To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.** You should read this plan carefully and discuss it with your attorney if you have one in this

bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. ***Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.***

**1.1 A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor**

- Included  
 Not included

**1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4**

- Included  
 Not included

**1.3 Nonstandard provisions, set out in Part 8**

- Included  
 Not included

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

**\$255.00** per **Month** for **36** month(s)

*Insert additional lines if needed.*

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner.**

*Check all that apply:*

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment):

**2.3 Income tax refunds.**

*Check one.*

- Debtor(s) will retain any income tax refunds received during the plan term.
- Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

- Debtor(s) will treat income tax refunds as follows:

**Debtor(s) shall submit a copy of their tax return or transcript to the Trustee each year by April 20th.**

The debtor(s) shall tender to the trustee the amount of any tax refund in excess of \$1,200 each year within 7 days of receipt of the tax refund. Refunds must be received by the trustee by June 30th of each year.

**2.4 Additional payments.**

*Check one.*

■ **None.** *If “None” is checked, the rest of § 2.4 need not be completed or reproduced.*

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$9,180.00**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

*Check one.*

■ **None.** *If “None” is checked, the rest of § 3.1 need not be completed or reproduced.*

**3.2 Request for valuation of security, payment of fully secured claims, and modification of under secured claims.**

*Check one.*

■ **None.** *If “None” is checked, the rest of § 3.2 need not be completed or reproduced.*

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

*Check one.*

■ **None.** *If “None” is checked, the rest of § 3.3 need not be completed or reproduced.*

**3.4 Lien avoidance.**

*Check one.*

■ None. If “None” is checked, the rest of § 3.4 need not be completed or reproduced.

### **3.5 Surrender of collateral.**

*Check one.*

■ None. If “None” is checked, the rest of § 3.5 need not be completed or reproduced

## **Part 4: Treatment of Fees and Priority Claims**

### **4.1 General**

Trustee’s fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

### **4.2 Trustee’s fees**

Trustee’s fees are governed by statute and may change during the course of the case but are estimated to be 5.70% of plan payments; and during the plan term, they are estimated to total \$523.44.

### **4.3 Attorney’s fees.**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$4,000.00.

### **4.4 Priority claims other than attorney’s fees and those treated in § 4.5.**

*Check one.*

None. If “None” is checked, the rest of § 4.4 need not be completed or reproduced.

■ The debtor(s) estimate the total amount of other priority claims to be \$3,160.00

### **4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

*Check one.*

■ **None.** *If “None” is checked, the rest of § 4.5 need not be completed or reproduced.*

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of \$

■ 11.00% of the total amount of these claims, an estimated payment of **\$1,496.60**

■ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately **\$225.00**. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.** *Check one.*

■ **None.** *If “None” is checked, the rest of § 5.2 need not be completed or reproduced.*

**5.3 Other separately classified nonpriority unsecured claims.** *Check one.*

■ **None.** *If “None” is checked, the rest of § 5.3 need not be completed or reproduced.*

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

**None.** *If “None” is checked, the rest of § 6.1 need not be completed or reproduced.*

**Assumed items.** Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

**Name of Creditor**  
**Owenita Shannon**

**Description of leased property or executory contract**  
 454 W. 80<sup>th</sup> Street,  
 Chicago, IL 60620

**Current installment payment**  
**\$500.00**

Disbursed by:

Trustee

Debtor(s)

**Amount of arrearage to be paid**  
**\$0.00**

**Treatment of arrearage** (Refer to other plan section if applicable)

Estimated total payments to trustee  
**\$0.00**

*Insert additional contracts or leases as needed.*

**Part 7: Vesting of Property of the Estate**

**7.1 Property of the estate will vest in the debtor(s) upon**

Check the applicable box:

- plan confirmation.
- entry of discharge
- other: \_\_\_\_\_

**Part 8: Nonstandard Plan Provisions**

**8.1 Check “None” or List Nonstandard Plan Provisions**

**■ None.** *If “None” is checked, the rest of Part 8 need not be completed or reproduced.*

**Part 9: Signature(s)**

**9.1 Signatures of Debtor(s) and Debtor(s)’ Attorney**

*If the Debtor(s) do not have an attorney, the Debtor(s) must sign below, otherwise the Debtor(s) signatures are optional. The attorney for the Debtor(s), if any, must sign below.*

**/s/ Timothy Shannon**

**Timothy Shannon**

Signature of Debtor 1

Executed on

**April 26, 2018**



\_\_\_\_\_  
Signature of Debtor 2

Executed on  
\_\_\_\_\_

/s/ Kevin D. Rouse ARDC

**Kevin D. Rouse ARDC #6284394**

Signature of Attorney for Debtor(s)

Date

April 26, 2018

**By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.**

**Exhibit: Total Amount of Estimated Trustee Payments**

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a.	<b>Maintenance and cure payments on secured claims</b> ( <i>Part 3, Section 3.1 total</i> )	<b>\$0.00</b>
b.	<b>Modified secured claims</b> ( <i>Part 3, Section 3.2 total</i> )	<b>\$0.00</b>
c.	<b>Secured claims excluded from 11 U.S.C. § 506</b> ( <i>Part 3, Section 3.3 total</i> )	<b>\$0.00</b>

d.	<b>Judicial liens or security interests partially avoided</b> ( <i>Part 3, Section 3.4 total</i> )	<b>\$0.00</b>
e.	<b>Fees and priority claims</b> ( <i>Part 4 total</i> )	<b>\$7,683.40</b>
f.	<b>Nonpriority unsecured claims</b> ( <i>Part 5, Section 5.1, highest stated amount</i> )	<b>\$1,496.60</b>
g.	<b>Maintenance and cure payments on unsecured claims</b> ( <i>Part 5, Section 5.2 total</i> )	<b>\$0.00</b>
h.	<b>Separately classified unsecured claims</b> ( <i>Part 5, Section 5.3 total</i> )	<b>\$0.00</b>
i.	<b>Trustee payments on executory contracts and unexpired leases</b> ( <i>Part 6, Section 6.1 total</i> )	<b>\$0.00</b>
j.	<b>Nonstandard payments</b> ( <i>Part 8, total</i> )	<b>\$0.00</b>
	<b>Total of lines a through j</b>	<b>\$9,180.00</b>

**Case No. 18-4116**

**Docket No. 33-4 EXHIBIT D**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

—————  
CASE NO. 18-04116  
CHAPTER 13  
—————

IN RE: TIMOTHY SHANNON,  
*Debtor(s).*

—————  
JUDGE: HON. CAROL A. DOYLE  
Filed May 1, 2018  
Entered May 1, 2018  
—————

**ORDER CONFIRMING PLAN**

The plan under Chapter 13 of the Bankruptcy code, filed as docket No. 28, having been found by the Court to comply with the provisions of the 11 U.S.C. section 1325, THE PLAN IS HEREBY CONFIRMED.

All property of the estate, as specified by the 11 U.S.C. section 541 and 1306, will continue to be property of the estate following confirmation, unless (1) the plan provides for surrender of the property, or (2) the property is sold pursuant to the plan or court order.

Enter:

/s/ Carol Doyle  
Honorable Carol A. Doyle

Dated: May 01, 2018 United States Bankruptcy Judge

**Case No. 18-4116**

**Docket No. 33-6 EXHIBIT E**

**CLAIM 1-2**

**Filed: May 2, 2018**

Debtor 1  
**Timothy Shannon**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number 18-04116

Official Form 410

**Proof of Claim**

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

**1. Who is the current creditor?**

City of Chicago Department of Finance

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

No

Yes. From whom?

**3. Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should notices to the creditor be sent?**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

**Where should payments to the creditor be sent? (if different)**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

**4. Does this claim amend one already filed?**

- No  
 Yes. Claim number on court claims registry (if known)

1

Filed on

02/19/2018

MM/DD/YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

- No  
 Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

**6. Do you have any number you use to identify the debtor?**

- No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 9 4 6 0

**7. How much is the claim?**

\$5,600.00. Does this amount include interest or other charges?

- No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

**8. What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal

injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

Parking Tickets

**9. Is all or part of the claim secured?**

No

Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe:

**Basis for perfection:** Vehicle Possessory Lien- 1997 Buick

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$5,600.00

**Amount of the claim that is unsecured:** \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)





- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ \_\_\_\_\_
- Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ \_\_\_\_\_
- Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_\_\_) that applies. \$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

05/02/2018

MM/DD/YYYY

/s/ Leticia Morales

**Print the name of the person who is completing and signing this claim:**

Leticia Morales  
Legal Administrator  
Arnold Scott Harris P. C  
111 W. Jackson Ste 600  
Chicago IL 60604  
(312)423-7438  
oolan@harriscollect.com

**Notice - Plate Summary****Identity**

Notice: 5022599460

Owner: SHANNON, TIMOTHY

Last Noticed: 02-19-2004

Total Due: \$3,160.00

**Fee Summary**

<b>Fee Type</b>	<b>Reference Number</b>	<b>Create Date</b>	<b>Fee Amount</b>	<b>Current Amount Due</b>	<b>Type of Suspension/ Plan Type</b>
DLS-CERT	117264	02-17-2002	\$20.00	\$0.00	Parking
DLS-CERT	2582090	07-02-2017	\$20.00	\$20.00	Default Park- ing

**Plate Summary**

License			Ticket Counts		Amounts Due		
Plate	ST	Type	Total	Outstanding	Tickets	Seizure	Total
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○ BLF817	IL	PAS	1	1	\$50.00	\$0.00	\$50.00
○ F360297	IL	PAS	23	23	\$2,025.00	\$665.00	\$2,690.00

plate detail / reset

**Notice - Ticket Summary****Identity**

Notice: 5022599460

Owner: SHANNON, TIMOTHY

Last Noticed: 02-19-2004

Total Due: \$3,160.00

Plate Number	Ticket Number	Issued Date	Pymt Plan	Ticket Queue	Notice Level	Next Upgrade Date	Last Noticed Date	Last Pay Date	Amount Due
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○ F360297	0031183783	01-22-00	False	Bankruptcy	SEIZ		05-07-00		\$50.00
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○ F360297	0032120239	02-12-00	False	Bankruptcy	DLS		07-07-17		\$120.00
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○ F360297	9092144340	04-09-00	False	Bankruptcy	DLS		07-07-17		\$50.00
○ F360297	0032617421	04-23-00	False	Bankruptcy	DLS		07-07-17		\$200.00
○ F360297	0033417763	08-14-00	False	Bankruptcy	SEIZ		10-22-00		\$50.00
○ F360297	0033417764	08-14-00	False	Bankruptcy	DLS		07-07-17		\$120.00

**IMPOUND DEBT**

FINE - \$1,000.00

TOW - \$150.00

STORAGE -\$1,290.00

**TOTAL = \$2,440.00**

**U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS**

**CLAIMS REGISTER**

18-04116 Timothy Shannon

**Honorable Judge:** Carol A. Doyle

**Chapter:** 13

**Office:** Eastern Division

**Last Date to file claims:** 04/26/2018

**Trustee:** Tom Vaughn

**Last Date to file (Govt):** 08/14/2018

Creditor:	<b>Claim No: 1</b>	Status:
(26460976)	Original Filed	Filed by: CR
City of Chicago	Date: 02/19/2018	Entered by:
Department of	Original Entered	Charles A King
Finance	Date: 02/19/2018	Modified:
c/o Arnold Scott	Last Amend-	
Harris P.C.	ment	
111 W Jackson	Filed: 07/03/2018	
Blvd Ste 600	Last Amend-	
Chicago, IL 60604	ment	
	Entered:	
	07/03/2018	

Amount claimed: \$5600.00

Secured claimed: \$5600.00



## History:

Details	1-1	02/19/2018	Claim #1 filed by City of Chicago Department of Finance, Amount claimed: \$3160.00 (Suda, Frank)
Details	1-2	05/02/2018	Amended Claim #1 filed by City of Chicago Department of Finance, Amount claimed: \$5600.00 (Morales, Leticia)
	34	06/12/2018	Notice of Hearing and Objection to Claim(s) 1 of City of Chicago Department of Finance Filed by Adam B Bourdette on behalf of Timothy Shannon. Hearing scheduled for 6/19/2018 at 09:30 AM at 219 South Dearborn, Courtroom 742, Chicago, Illinois 60604. (Attachments: # 1 Proposed Order)(Bourdette, Adam)
Details	1-3	07/03/2018	Amended Claim #1 filed by City of Chicago Department of Finance, Amount claimed: \$5600.00 (King, Charles)
	67	09/11/2018	Order Modifying Claim(s) 1 (RE: 34 Objection to Claim). Signed on 9/11/2018 (Pruitt, Debra)

Description: (1-3) Fines for violation of Municipal Code, and related fees

Remarks: (1-3) Amended to add additional documentation

Creditor:	<b>Claim No: 2</b>	Status:
(26488746)	Original Filed	Filed by: CR
City of Chicago	Date: 02/27/2018	Entered by:
Department	Original Entered	Leticia Morales
Of Administrative	Date: 02/27/2018	Modified:
Hearing		
City of Chicago -		
DOAH C/O Ar-		
nold Scott		
111 W. Jackson		
Ste 600		
Chicago, IL 60604		

Amount claimed: \$720.07

History:

Details	2-1	02/27/2018	Claim #2 filed by City of Chicago Department, Amount claimed: \$720.07 (Morales, Leticia)
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Description:

Remarks:

Creditor:	<b>Claim No: 3</b>	Status:
(26549709)	Original Filed	Filed by: CR
Commonwealth	Date: 03/15/2018	Entered by:
Edison Company	Original Entered	Michael A
Attn: Bankruptcy	Date: 03/15/2018	Wickham
Department		Modified:
1919 Swift Drive		

Oakbrook Ter-  
race, IL 60523

Amount claimed: \$7994.80

History:

Details 3-1 03/15/2018 Claim #3 filed by Common-  
wealth Edison Company,  
Amount claimed: \$7994.80  
(Wickham, Michael)

Description:

Remarks:

Creditor:	<b>Claim No: 4</b>	Status:
(26674402)	Original Filed	Filed by: CR
AT&T CORP	Date: 04/23/2018	Entered by:
by American In-	Original Entered	Jennifer Harris
foSource LP as	Date: 04/23/2018	Modified:
agent		
4515 N Santa Fe		
Ave		
Oklahoma City,		
OK 73118		

Amount claimed: \$325.18

History:

Details 4-1 04/23/2018 Claim #4 filed by AT&T  
CORP, Amount claimed:  
\$325.18 (Harris, Jennifer)

Description:

Remarks:

### **Claims Register Summary**

**Case Name:** Timothy Shannon

**Case Number:** 18-04116

**Chapter: 13****Date Filed: 02/15/2018****Total Number Of Claims: 4**

<b>Total Amount Claimed*</b>	\$14640.05
<b>Total Amount Allowed*</b>	

\*Includes general unsecured claims

**The values are reflective of the data entered. Always refer to claim documents for actual amounts.**

	<b>Claimed</b>	<b>Allowed</b>
<b>Secured</b>	\$5600.00	
<b>Priority</b>		
<b>Administrative</b>		

**CLAIM 1-2**  
**Filed: May 2, 2018**

Debtor 1  
**Timothy Shannon**

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the:  
**Northern District of Illinois**

Case number 18-04116

Official Form 410

**Proof of Claim**

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

**1. Who is the current creditor?**

City of Chicago Department of Finance

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

No

Yes. From whom?

**3. Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should notices to the creditor be sent?**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

**Where should payments to the creditor be sent? (if different)**

Department of Finance c/o Arnold Scott Harris

111 W. Jackson Ste 600

Chicago IL 60604

(312)423-7438

oolan@harriscollect.com

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

**4. Does this claim amend one already filed?**

- No  
 Yes. Claim number on court claims registry (if known)

1  
Filed on  
02/19/2018  
MM/DD/YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

- No  
 Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

**6. Do you have any number you use to identify the debtor?**

- No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 9 4 6 0

**7. How much is the claim?**

\$5,600.00. Does this amount include interest or other charges?

- No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

**8. What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing

information that is entitled to privacy, such as health care information.

Parking Tickets

**9. Is all or part of the claim secured?**

No

Yes. The claim is secured by a lien on property.

**Nature of property:**

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe:

**Basis for perfection:** Vehicle Possessory Lien- 1997 Buick

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_

**Amount of the claim that is secured:** \$5,600.00

**Amount of the claim that is unsecured:** \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_ %



- Fixed  
 Variable

**10. Is this claim based on a lease?**

- No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

**11. Is this claim subject to a right of setoff?**

- No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- No  
 Yes. Check one:      **Amount entitled to priority**
- Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).      \$ \_\_\_\_\_
- Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).      \$ \_\_\_\_\_
- Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).      \$ \_\_\_\_\_
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).      \$ \_\_\_\_\_

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)(\_\_\_\_) that applies. \$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

05/02/2018

MM/DD/YYYY

/s/ Leticia Morales

**Print the name of the person who is completing and signing this claim:**

Leticia Morales  
Legal Administrator  
Arnold Scott Harris P. C  
111 W. Jackson Ste 600  
Chicago IL 60604  
(312)423-7438  
oolan@harriscollect.com

**Notice - Plate Summary****Identity**

Notice: 5022599460

Owner: SHANNON, TIMOTHY

Last Noticed: 02-19-2004

Total Due: \$3,160.00

**Fee Summary**

<b>Fee Type</b>	<b>Reference Number</b>	<b>Create Date</b>	<b>Fee Amount</b>	<b>Current Amount Due</b>	<b>Type of Suspension/ Plan Type</b>
DLS-CERT	117264	02-17-2002	\$20.00	\$0.00	Parking
DLS-CERT	2582090	07-02-2017	\$20.00	\$20.00	Default Park- ing

**Plate Summary**

License			Ticket Counts		Amounts Due		
Plate	ST	Type	Total	Outstanding	Tickets	Seizure	Total
○ AG61417	IL	PAS	3	3	\$400.00	\$0.00	\$400.00
○ BLF817	IL	PAS	1	1	\$50.00	\$0.00	\$50.00
○ F360297	IL	PAS	23	23	\$2,025.00	\$665.00	\$2,690.00

plate detail / reset

**Notice - Ticket Summary****Identity**

Notice: 5022599460

Owner: SHANNON, TIMOTHY

Last Noticed: 02-19-2004

Total Due: \$3,160.00

Plate Number	Ticket Number	Issued Date	Pymt Plan	Ticket Queue	Notice Level	Next Upgrade Date	Last Noticed Date	Last Pay Date	Amount Due
○ AG61417	6045277717	06-20-17	False	Bankruptcy			07-14-17		\$0.00

○ AG61417	6045580804	10-07-17	False	Bankruptcy	FINL		02-23-18		\$200.00
○ AG61417	6045598231	10-15-17	False	Bankruptcy	FINL		02-23-18		\$200.00
○ BLF817	0015772449	11-03-95	False	Bankruptcy	SEIZ		10-11-99		\$50.00
○ F360297	0028819955	04-07-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0028819954	04-07-99	False	Bankruptcy	SEIZ		10-11-99		\$50.00
○ F360297	0029472279	05-13-99	False	Bankruptcy	DLS		07-07-17		\$100.00
○ F360297	0029470601	05-29-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0029838815	10-04-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0030182450	10-16-99	False	Bankruptcy	DLS		07-07-17		\$60.00
○ F360297	0030517522	11-11-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0030517521	11-11-99	False	Bankruptcy	SEIZ		02-06-00		\$50.00
○ F360297	0030712072	11-15-99	False	Bankruptcy	SEIZ		02-06-00		\$50.00
○ F360297	0030712073	11-15-99	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0030712074	11-15-99	False	Bankruptcy	SEIZ		02-06-00		\$50.00

○ F360297	9061804400	12-01-99	False	Bankruptcy	DLS		07-07-17		\$100.00
○ F360297	0031183782	01-22-00	False	Bankruptcy	DLS		07-07-17		\$60.00
○ F360297	0031183783	01-22-00	False	Bankruptcy	SEIZ		05-07-00		\$50.00
○ F360297	0031764606	02-03-00	False	Bankruptcy	DLS		07-07-17	06-23-00	\$95.00
○ F360297	0032120238	02-12-00	False	Bankruptcy	SEIZ		05-07-00		\$50.00
○ F360297	0032120239	02-12-00	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0032623855	04-09-00	False	Bankruptcy	DLS		07-07-17		\$120.00
○ F360297	0032623854	04-09-00	False	Bankruptcy	SEIZ		10-22-00		\$50.00
○ F360297	9092144340	04-09-00	False	Bankruptcy	DLS		07-07-17		\$50.00
○ F360297	0032617421	04-23-00	False	Bankruptcy	DLS		07-07-17		\$200.00
○ F360297	0033417763	08-14-00	False	Bankruptcy	SEIZ		10-22-00		\$50.00
○ F360297	0033417764	08-14-00	False	Bankruptcy	DLS		07-07-17		\$120.00

**IMPOUND DEBT**

FINE - \$1,000.00  
TOW - \$150.00  
STORAGE -\$1,290.00  
TOTAL = **\$2,440.00**



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

—————  
CASE NO. 18 B 04116  
CHAPTER 13  
—————

IN RE: TIMOTHY SHANNON,

*Debtor.*

—————  
JUDGE: HON. CAROL A. DOYLE  
Filed September 7, 2018  
Entered September 7, 2018  
—————

**ORDER GRANTING MOTION FOR SANCTIONS  
FOR WILLFUL VIOLATION OF THE  
AUTOMATIC STAY**

IT IS HEREBY ORDERED THAT:

For the reasons stated in the Memorandum Opinion entered September 7, 2018, Shannon's motion for sanctions for willful violation of the automatic stay is granted. The City of Chicago is ordered to release Shannon's vehicle to him immediately.

Dated: September 7, 2018    ENTERED:

/s/ Carol Doyle  
Carol A. Doyle  
United States Bankruptcy Judge