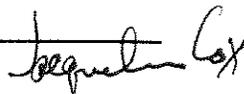


UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Honorable JACQUELINE P. COX Hearing Date October 1, 2018
Bankruptcy Case No. 17-30613 Adversary No. _____
Title of Case In re: Stevenson
Brief Statement of Motion Motion to Dismiss (Dkt. No. 39)
Names and Addresses of moving counsel R. Scott Alsterda
70 West Madison St., Suite 3500
Chicago, IL 60602
Representing Bema, Incorporated (Creditor)

AMENDED ORDER

IT IS HEREBY ORDERED that the Court finds that the Debtor knowingly failed to disclose the existence of two lawsuits including a worker's compensation claim with the Illinois Workers' Compensation Commission and a retaliatory discharge lawsuit. The Debtor failed to disclose that Bema Incorporated ("Creditor") paid the Debtor a combined total of \$80,500.00 to settle the lawsuits. (\$60,500 for Illinois Worker's Compensation Claim; \$20,000.00 for the retaliatory discharge lawsuit.) Dkt. No. 39, p. 3. The Debtor also failed to disclose a third lawsuit (still pending) against other parties including the Creditor. The Debtor's failure to disclose the lawsuits and the related settlements is cause to grant the Creditor's Motion under 11 U.S.C. § 1307(c). One of the grounds for cause under 11 U.S.C. § 1307(c)(1) is unreasonable delay by the debtor that is prejudicial to creditors. To date, the Debtor has not disclosed the existence of the settlements he received. Dkt. No. 39, p. 2. The Debtor's confirmed plan provides unsecured creditors ten percent of their claims. Dkt. No. 17, p. 4. The Debtor's failure to disclose the lawsuits and settlements deprived the Chapter 13 Trustee of an opportunity to determine if any of it could have been used to benefit the bankruptcy estate. Given the Debtor's potential for recovery through a third lawsuit, the Creditor's Motion (Dkt. No. 39) is **GRANTED** and the Debtor is barred from filing for bankruptcy through October 1, 2021. 11 U.S.C. § 105(a). This Court retains jurisdiction in case more assets become available.

JACQUELINE P. COX 
UNITED STATES BANKRUPTCY JUDGE