

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	Case No. 24bk13074
Mary Stephanie Schwarz,)	
)	Chapter 7
Debtor.)	
)	Judge Timothy A. Barnes
)	
New Carla, LLC,)	
)	Adversary No. 25ap00031
Plaintiff,)	
)	
v.)	
)	
Mary Stephanie Schwarz,)	
)	
Defendant.)	
)	

ORDER DISMISSING CASE AND
CONDITIONING COUNSEL'S ABILITY TO PRACTICE BEFORE THIS COURT

THIS MATTER coming to be heard on the Order to Show Cause [Adv. Dkt. No. 5] (the “Order to Show Cause”) entered by the court, the court having held a hearing on the Order to Show Cause on April 1, 2025 (the “Show Cause Hearing”), at which no person appeared for any party, the court having jurisdiction, with due notice having been given, the court being fully informed in the premises and for the reasons stated on the record at the Show Cause Hearing;

NOW THEREFORE, IT HEREBY FINDS THAT:

- A. On March 25, 2025, the court conducted an initial hearing on Plaintiff's adversary complaint [Adv. Dkt. No. 1] (the “Hearing”) at which time the *pro se* Debtor but no one for the Plaintiff appeared;
- B. At the Hearing the court noted that Plaintiff's counsel Aaron Newman (“Counsel”) did not appear licensed to practice before the court;
- C. At the Hearing, the court further noted that the Counsel's failure to appear at the hearing he had scheduled would likely give rise to dismissal by the court for failure to prosecute;
- D. After the Hearing, the court entered the Order to Show Cause and scheduled the Show Cause Hearing on April 1, 2025;

- E. Counsel and thereby the Plaintiff was given adequate notice of the potential dismissal of this adversary proceeding as the Order to Show Cause clearly indicated that failure to appear at the Show Cause Hearing would result in the case being dismissed for failure to prosecute;
- F. Notice of the Order to Show Cause and thereby the Show Cause Hearing was sent electronically to Counsel through the court's ECF filing system and to Counsel at the address listed for him on his Summons in an Adversary Proceeding [Adv. Dkt. 2] by first class United States mail on March 25, 2025. Certificate of Service [Adv. Dkt. No. 6];
- G. Nonetheless Counsel failed to appear at the Show Cause Hearing; and
- H. Considering the foregoing, pursuant to Fed. R. Civ. P. 41(b) (made applicable by Fed. R. Bankr. P. 7041) and the court's inherent authority, *Link v. Wabash R. Co.*, 370 U.S. 626, 630 (1962) ("The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs"); *Webber v. Eye Corp.*, 721 F.2d 1067, 1068 (7th Cir. 1983) (same); *Anderson v. City of Northlake*, 87 F.R.D. 143, 144 (N.D. Ill. 1980) (same), grounds exist to dismiss the above-captioned adversary proceeding for failure to prosecute and failure to comply with the Order to Show Cause. Further, the court determines that, given Counsel's failures in this matter, grounds exist to condition the practice of Counsel before the United States Bankruptcy Court for the Northern District of Illinois in future matters on his actually appearing before the court.

NOW THEREFORE, THE COURT HEREBY ORDERS THAT:

1. The above-captioned adversary proceeding is dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and failure to comply with the Order to Show Cause; and
2. Counsel's ability to practice before the United States Bankruptcy Court for the Northern District of Illinois is conditioned on his making a request for the same to any judge of this court. Such approval must be sought by Counsel by way of a motion and a hearing on said motion. Said motion must adequately explain the reason for Counsel's failures in this matter and explain how they will not recur in future matters.

Dated: April 1, 2025

ENTERED:



Judge Timothy A. Barnes
United States Bankruptcy Court