

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
HARTFORD DIVISION**

In re: Paul A Healy and Kristen L Healy, Debtors.	Chapter 13 Case No. 24-21061 (JJT) Re: ECF Nos. 16, 17, 18, 20, 27, 28
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**MEMORANDUM OF DECISION AND ORDER
DENYING AMENDED MOTION TO IMPOSE AUTOMATIC STAY**

Before the Court are the Debtors' Amended Motion to Impose Automatic Stay (Amended Motion, ECF No. 27) and U.S. Bank Trust N.A.'s Motion for Order Confirming the Termination and Absence of a Stay (ECF No. 16). For the following reasons, the Amended Motion is denied and the termination of the automatic stay is confirmed.

1. Background

The Debtors filed this Chapter 13 case on November 7, 2024. Prior to this case, the Debtors have had three prior bankruptcy cases, the most recent of which, a Chapter 13 case, was dismissed on May 31, 2024 for failure to file a Second Amended Chapter 13 Plan. Because there was another case pending in the preceding one-year period before the petition date in this case, the automatic stay was set to expire on December 7, 2024, absent an extension. No such extension motion was filed. Thus, on December 11, 2024, U.S. Bank filed its motion seeking confirmation that the stay indeed terminated (ECF No. 16). Within two hours, the Debtors filed an objection to U.S. Bank's motion (ECF No. 17) and a Motion to

Reimpose Automatic Stay (ECF No. 18). In those filings, the Debtors' counsel admitted to miscalendaring the date by which a motion to extend the automatic stay needed to be filed.

After U.S. Bank filed an objection (ECF No. 20) to the Motion to Reimpose, the Court issued a scheduling order (ECF No. 21) requiring the Debtors' counsel to file a brief "discussing what authority would allow the Court to reimpose the automatic stay." The Debtors then filed the Amended Motion (ECF No. 27) and a brief (ECF No. 28). The Court then held a hearing on December 19, 2024, at which the Court took the pending matters under advisement.

2. Discussion

Under [11 U.S.C. § 362\(c\)\(3\)](#):

if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

- (A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;
- (B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]

Because no such motion was filed and heard within the 30-day period, the automatic stay indisputably terminated by operation of law. Moreover, the statute

does not provide a mechanism for reanimating the automatic stay once it has terminated.

The Debtors argue, citing several older cases, that the Court has equitable powers under [11 U.S.C. § 105](#) to reimpose the automatic stay. Under § 105(a): “The Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” More recently, however, the Supreme Court has cautioned that “it is hornbook law that § 105(a) does not allow the bankruptcy court to override explicit mandates of other sections of the Bankruptcy Code.” *Law v. Siegel*, [571 U.S. 415, 421](#) (2014) (cleaned up). Because the Code has provided the appropriate method to maintain the automatic stay where another case was pending within the previous year, the Court cannot use § 105(a) to fashion another.

Even if the Court were able to use § 105(a), the Debtors’ request would still fail. As recognized by the Debtors and U.S. Bank in their respective papers, reimposing the automatic stay here would be a form of injunctive relief. But such “is only proper when a [party], lacking an adequate remedy at law, is likely to suffer from injury at the hands of the [other party] if the court does not act in equity.” *Berni v. Barilla S.p.A.*, [964 F.3d 141, 146–47](#) (2d Cir. 2020). Here, there is an appropriate method to impose the automatic stay. Contrary to the Debtors’ assertion at the December 19, 2024 hearing that §105 would be invoked were the Debtors to dismiss this case and refile shortly thereafter, § 362(c)(4) provides them with a potential method to impose the automatic stay. Injunctive relief under § 105(a) would therefore be inappropriate even if permissible.

3. Conclusion

The Amended Motion is DENIED. The Court hereby confirms that the automatic stay terminated on December 7, 2024.

IT IS SO ORDERED at Hartford, Connecticut this 10th day of January 2025.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut

