

MEMORANDUM

TO: All attorneys with bankruptcy cases on my docket

FROM: Judge Pat E. Morgenstern-Clarren

DATE: April 21, 2008

SUBJECT: CHANGE IN PROCEDURE - Requests for attorney fees incurred in connection with agreed orders resolving motions for relief from stay

I have in the past permitted creditors to include an amount for attorney fees and costs in agreed orders on motions for relief from stay without establishing a separate legal basis for those amounts. From today's date forward, those fees may not be included in an agreed order.

A creditor wishing to recover attorney fees and costs may file a separate motion for an order for fees and costs and set it on the motion docket with a 7 day clause. The motion is to include this information:

- (1) an itemization of the services rendered by date, activity, amount of time expended, and the individual's billing rate;
- (2) the contractual basis for the request, if any, citing to the appropriate paragraph of the contract;
- (3) the relationship between the movant and the debtor that permits the movant to invoke the contractual basis for the request; and
- (4) the legal basis, including case law and/or statute, supporting the request.

A creditor who wishes to include costs, other than the statutory fee for filing a motion for relief, is to attach copies of an invoice for each cost that it seeks to recover.

Thank you for your anticipated cooperation.