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JUDGE: M. A. Mahoney

PARTIES: Michael F. Hagan, Sr., Rankin Publishing Company, Inc.

CHAPTER: 13

ATTORNEYS: L. Williams, C. Baer, F. V. Anderson

DATE: 7/26/00

KEY WORDS:

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA

In Re

MICHAEL F. HAGAN, SR.

Case No. 00-11063-MAM-13

Debtor.

**ORDER CONTINUING HEARING ON RANKIN PUBLISHING COMPANY, INC.'S  
MOTION SEEKING SANCTIONS AGAINST DEBTOR AND REQUEST TO HOLD  
DEBTOR IN CONTEMPT OF COURT AND SETTING REQUIREMENTS TO BE  
FULFILLED BY DEBTOR PRIOR TO NEXT HEARING**

Lionel Williams, Mobile, Alabama, Attorney for Rankin Publishing Company  
Charles Baer, Mobile, Alabama, Attorney for United States of America  
Franklin V. Anderson, Mobile, Alabama, Attorney for Shirley V. Schneider

This case came before the Court on July 25, 2000 for further hearing on the motion of Rankin Publishing Company for sanctions against the debtor and for a contempt citation. The Court held a hearing on the matter on June 14, 2000 at which time evidence was received and witnesses were examined. The debtor's case had been dismissed by the Court on May 23, 2000, for failure of the debtor to pay his filing fees. The Court therefore did not need to grant the motion of Rankin Publishing Company to dismiss the case; however, the Court ruled that it was appropriate to retain jurisdiction to consider the sanctions and contempt request and thus the hearing was held on June 14, 2000.

Debtor is proceeding pro se. At the hearing on June 14, 2000, he indicated that he did not know that the Court was going to consider the contempt request at the hearing. He was only prepared to deal with the sanctions request. The Court therefore continued the hearing so that Mr. Hagan could prepare for the contempt citation request. The hearing was rescheduled for July 19, 2000.

On July 19, 2000, the Court's Courtroom Deputy received a call shortly before the hearing from the debtor's daughter, Erin Hagan, indicating that the debtor was in the emergency room of a hospital being treated for kidney stones. The movant and all of the counsel listed above had appeared at the scheduled time and were prepared to proceed. The hearing was reset for July 25, 2000.

Approximately one hour before the hearing, the Court received a faxed "Notice of Debtor's Inability to Attend Today's Hearing." The notice alleges that debtor is still medically incapable of appearing in court. The Court again continued the hearing to August 16, 2000 at 1:30 p.m. with the stipulations indicated below. The Court is imposing the stipulations contained in this order on its own motion. It heard no argument or evidence from the counsel who again all appeared for the continued hearing.

**THEREFORE IT IS ORDERED:**

1. Debtor shall appear and be prepared to respond fully and finally to the Motion of Rankin Publishing Company, Inc. for Sanctions and Request to Hold Debtor in Contempt. Specifically, as to the contempt citation, the Debtor shall be prepared to respond to the following allegations:

**CRIMINAL CONTEMPT**

a. The debtor's filing of Case No. 00-11063-MAM-13 in this district in violation of the injunction issued by Judge Ginsberg on March 14, 2000 in Case No. 99 B 39244 in the Northern District of Illinois.

b. False Statements made by the debtor in either or both of his Statements of Financial Affairs and his testimony before this Court on or about June 14, 2000 respecting the existence and location of his consulting business during 1999.

c. False statements made by the debtor regarding his residence, domicile or principal place of business on the petitions in case nos. 99-34149 and

99-39244 filed in the Northern District of Illinois or in his Statement of Financial Affairs filed in this case (Question No. 15).

### **CIVIL CONTEMPT**

Attorneys fees and costs and coercive sanctions sufficient to compensate Rankin Publishing Co., Inc. for debtor's multiple bad faith bankruptcy filings and other transgressions of the Bankruptcy Code and Rules as more fully set out in Rankin Publishing Co., Inc.'s Motion filed in this case on May 2, 2000. Sanctions sought include punitive and compensatory relief.

2. Debtor shall furnish to the Court a letter from a physician stating that Mr. Hagan could not attend court on July 25, 2000 and why. The letter shall be mailed to the Judge directly from the doctor. The letter shall be addressed to Judge Margaret A. Mahoney, U.S. Bankruptcy Court, 201 St. Louis Street, Mobile, AL 36602.

3. The movant and its counsel, and the other counsel appearing for the hearing on July 25, 2000 shall submit affidavits documenting the time spent in preparation for and attendance at the hearing set on July 25, 2000. The affidavits shall be filed with the Court and served upon Mr. Hagan by August 7, 2000. The Court will award fees and costs to Mr. Rankin and the attorneys present at the July 25, 2000 hearing as it deems appropriate at the hearing on August 16, 2000.

4. The debtor, Mr. Hagan, shall provide a written statement to Mr. Williams, Mr. Baer, and Mr. Anderson containing a summary of what further evidence he intends to provide on the contempt issue at the hearing on August 16, 2000. He shall also provide a Witness and Exhibit list . These documents must be filed with the Court and served upon counsel by August 7, 2000.

5. This matter is reset to **August 16, 2000 at 1:30 p.m.** in Courtroom 2, U.S. Bankruptcy Court, 201 St. Louis Street, Mobile, AL 36602.

6. No continuances of this hearing will be granted unless a request is made in writing no later than 48 hours before the hearing. Any request by the Debtor must be accompanied by a letter from a doctor detailing Mr. Hagan's condition if Debtor alleges that a medical reason is the cause of the continuance need. The letter from the doctor must be mailed or faxed directly from the doctor to the Judge.

Dated: July 26, 2000

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MARGARET A. MAHONEY  
CHIEF BANKRUPTCY JUDGE