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IT IS SO ORDERED.

Dated: May 12, 2025



Beth A. Buchanan

Beth A. Buchanan
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re)	
)	
DONALD W. COMBS)	Case No. 21-12180
)	Chapter 7
)	Judge Buchanan
Debtor(s))	
_____)	

ORDER OF THE COURT:

1) GRANTING CLERMONT COUNTY TREASURER AND GOSHEN TOWNSHIP BOARD OF TRUSTEES’ MOTION TO EXCLUDE TESTIMONY AND EXHIBITS [Docket Number 238] -AND-

2) DENYING DEBTORS’ MOTIONS FOR VIOLATION OF THE AUTOMATIC STAY FILED AGAINST THE CLERMONT COUNTY TREASURER AND GOSHEN TOWNSHIP BOARD OF TRUSTEES, CLERMONT COUNTY LAND REUTILIZATION CORPORATION, AND OHIO ENVIRONMENTAL PROTECTION AGENCY [Docket Numbers 187, 216 and 227]

This matter is before the Court on Debtor Donald Combs (“Debtor”)’s *Notice of Violation of the Automatic Stay by Goshen Township Trustees and the Clermont County Treasurer* [Docket Numbers 187 and 189], the Clermont County Treasurer and Goshen Township Board of Trustees

(“Clermont County / Goshen Township”)’s *Memorandum in Opposition* [Docket Number 193], and the Debtor’s *Reply* [Docket Number 196]; the Debtor’s *Motion for the Land Reutilization Corporation (Land Bank) for Violation of the Automatic Stay* [Docket Number 216], and the Clermont County Land Reutilization Corporation (“Land Bank”)’s *Response* [Docket Number 217]; and the Debtor’s *Motion for the Ohio Environmental Protection Agency (Director Anne M. Vogel) for Violation of the Automatic Stay* [Docket Number 227]; and the State of Ohio on behalf of the Ohio Environmental Protection Agency (“Ohio EPA”)’s *Response* [Docket Number 229]. Also before this Court is Clermont County / Goshen Township’s *Motion to Limit or Exclude Testimony and Exhibits re: May 6, 2025 Hearing* [Docket Number 238].

The Debtor’s three motions for violation of the automatic stay were scheduled for an evidentiary hearing on May 6, 2025 via this Court’s Scheduling Order entered on January 10, 2025 at Docket Number 220 (“Scheduling Order”). The Scheduling Order further set deadlines including the deadline for the filing and service of witness and exhibit lists and copies of exhibits that the parties intended to present at the hearing. These were due to be filed and served not later than April 29, 2025. The Scheduling Order included a warning that witnesses not timely identified may be precluded from testifying at the evidentiary hearing. The Scheduling Order further warned that exhibits not timely filed and exchanged may not be admitted at the evidentiary hearing.

The Debtor filed and served no witness and exhibit lists or exhibits by the deadline. On May 5, 2025, Clermont County / Goshen Township filed a motion to preclude the Debtor from presenting evidence in the form of witness testimony or exhibits at the hearing the following day.

At the May 6, 2025 hearing, the attorney for Clermont County / Goshen Township renewed the objection to the Debtor presenting evidence. The attorney stated that the Debtor failed to file witness and exhibit lists or serve exhibits on Clermont County / Goshen Township as required by

the Scheduling Order. The attorney argued that the Debtor understood his need to comply with this requirement because the Debtor had filed and served witness and exhibit lists and exhibits in the past for other matters.

The Debtor represented himself at the hearing without an attorney and this Court makes reasonable allowances for unrepresented parties by construing their pleadings and papers liberally. Nonetheless, it is incumbent on an unrepresented party to follow the clear requirements and deadlines set forth in this Court's scheduling orders. The Debtor has understood this obligation in the past having filed and served witness and exhibit lists and exhibits pursuant to prior scheduling orders [*see, e.g.*, Docket Numbers 153 and 154]. Accordingly, this Court cannot accept that the Debtor did not understand his obligation, believed he did not have to comply with it, or thought he could rely on other parties' witnesses.

Because the Debtor failed to file and serve witness and exhibit lists and exhibits by the Scheduling Order's April 29, 2025 deadline, this Court precluded the Debtor from presenting witness testimony and exhibits at the May 6, 2025 hearing. *See Northwest Pipe Fittings, Inc. v. Paddock (In re Paddock)*, 533 B.R. 798, 804 (Bankr. D. Mont. 2015) (prohibiting a party from offering evidence at a hearing based on the party's failure to comply with court requirements to file witness and exhibit lists and exhibits); *In re Thomason*, 2022 WL 318181, at *3-4, 2022 Bankr. LEXIS 267, at *9-12 (Bankr. D. Idaho Feb. 2, 2022) (holding that a party who failed to file witness and exhibit lists and exchange exhibits with the opposing party could not rely on pleadings and other filed documents as evidence to support her arguments).

Turning to the Debtor's three motions for violation of the automatic stay, it is the Debtor who carries the burden of proving that violations of the automatic stay occurred. *In re Dougherty-Kelsay*, 636 B.R. 889, 897 (B.A.P. 6th Cir. 2022) *aff'd*, No. 22-5270, 2022 WL 9730003; 2022

U.S. App. LEXIS 28783 (6th Cir. Oct. 17, 2022); *In re Nyamusevya*, 644 B.R. 375, 383 (Bankr. S.D. Ohio 2022). Without evidence in the form of witness testimony or exhibits, the Debtor has not carried this burden.

Accordingly, the Debtor's motions asserting violations of the automatic stay by Clermont County / Goshen Township, the Land Bank, and the Ohio EPA [Docket Numbers 187, 216 and 227] are denied.

SO ORDERED.

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