

### GENERAL ORDER

In connection with any chapter 7 case filed in this Division in which an objection challenging the constitutionality of the debtor's exemption of his or her earned income credit in accordance with Kansas SB 12, codified at Kan. Stat. Ann. § 60-2315 (2011) is filed on or after March 30, 2012, the Clerk is directed as follows.

All such objections shall be docketed in the case in which they are filed, but shall no longer be added to the Master Caption created by Procedural Order No. 1, dated October 25, 2011. The trustee filing any such objection shall give notice of the objection as the Fed. R. Bankr. P. and our local procedural rules require. The debtors may respond to such objections. If a response is filed, the Clerk is directed not to set the matter to the motions docket. All such hearings are deferred pending the Court's deciding the constitutional challenges that are pending in the cases governed by the Procedural Orders 1-3, as amended.

The Court recognizes that the State of Kansas is entitled to intervene in all such cases and that the Court is obliged to certify to the State constitutional challenges of its enactments. In an effort to reduce the burden that the obligation of filing successive repetitive pleadings imposes on both the State and the Court's staff, by this Order, the Court generally CERTIFIES to the Attorney General of the State of Kansas that the constitutionality of this statute has been questioned as required by Fed. R. Bankr. P. 9005.1, Fed. R. Civ. P. 5.1, and 28 U.S.C. § 2403. The Attorney General will be deemed to have intervened in all such matters and is excused from formal intervention under Fed. R. Bankr. P. 9005.1(c) in all cases governed by this Order.

Any debtor covered by this Order who receives a tax refund shall preserve the portion of it related to the earned income credit as provided in Procedural Order No. 1.

Anyone seeking relief of any character from the provisions of this order shall file a motion for same, to be noticed to the miscellaneous chapter 7 docket.

I direct that the Clerk post this order on the Court's website and in the Clerk's Office at Wichita. In addition, I direct that the Clerk docket a copy of this order in any case in which the trustee files an EIC exemption objection that challenges the constitutionality of SB 12.

Dated April 11, 2012.

So Ordered,

/s/ Robert E. Nugent  
Chief Judge, U.S. Bankruptcy Court  
District of Kansas