

United States Bankruptcy Court
Northern District of Illinois
Eastern Division

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Bankruptcy Caption: In re Mary Ellen Homer-Radtke

Bankruptcy No. 04 B 35254

Date of Issuance: October 20, 2004

Judge: A. Benjamin Goldgar

Appearance of Counsel:

Attorney for Debtor: *Pro se*

Attorney for the Trustee: Glenn Stearns, Standing Chapter 13 Trustee, Lisle, IL

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Chapter 13
)
MARY ELLEN HOMER-RADTKE,) No. 04 B 35254
)
Debtor.) Judge Goldgar

**ORDER REQUIRING DEBTOR TO SHOW CAUSE
WHY CASE SHOULD NOT BE DISMISSED AND DEBTOR
BARRED FROM FILING ANOTHER CASE FOR THREE YEARS**

Debtor Mary Ellen Homer-Radtke filed this *pro se* case under chapter 13 of the Bankruptcy Code on September 22, 2004. Homer-Radtke has filed other *pro se* bankruptcy cases in this district. (According to her petition, she has also filed cases in the Bankruptcy Court for the Southern District of Texas.) The most recent case before this court was a case under chapter 7, No. 03-26152, filed in June 2003.

The chapter 7 case turned out not to be a *bona fide* case at all. It was instead an occasion for Homer-Radtke to air a laundry list of old, festering grievances – as well as a campaign to harass those who had aggrieved her, her creditors and ex-husband above all. Holding her creditors and the chapter 7 trustee at bay for months, Homer-Radtke fired off an unceasing barrage of motions and other papers. Most bordered on the incomprehensible.^{1/} She also filed more than 40 adversary complaints, naming as

^{1/} On October 7, 2003, to give one typical example, she filed a motion styled “Motion for Relief from the Kidnapping of Jeffrey Aaron Radtke.” The motion asserted that her son had been kidnapped. It also alleged an elaborate conspiracy involving the former Chief Judge and the State’s Attorney in Lake County, Illinois, who (according to

defendants everyone from her ex-husband to the trustee to the National Association of Social Workers to the United States of America. Few of the complaints had anything to do with the bankruptcy itself. Some sought review of Illinois state court decisions that had evidently rebuffed her claims in the past. See *In re Homer-Radtke*, 305 B.R. 846 (Bankr. N.D. Ill. 2004) (dismissing adversary complaints under *Rooker-Feldman* doctrine).

In March 2004, the court dismissed the entire case as an abuse of the bankruptcy process. By the time the case (and the many related adversaries) came to a merciful end, the docket contained a whopping 400 items. The avalanche of paper Homer-Radtke generated caused the objects of her wrath needless inconvenience and expense. Some, including the Village of Mundelein and the National Association of Social Workers, actually went to the trouble of retaining counsel who appeared in court on the frivolous adversaries. Needless to say, the case also placed an immense burden on the court and its staff.

Now Homer-Radtke has returned, and the petition and schedules in the new chapter 13 case portend more of the same. Several of the schedules are merely annotated copies of schedules she filed in an earlier 1999 case. Moreover, the schedules list assets that belong, not to Homer-Radtke herself, but to her ex-husband or his business: real property, stock in the business, income tax refunds held by her ex-husband, income from

the motion) “belong to a coven and are involved in pornography.” Because the State’s Attorney, the Sheriff and the Mundelein police ignored the alleged kidnapping, Homer-Radtke insisted, “[t]he only recourse and remedy available is the bankruptcy court.”

the business, and so on.^{2/} Embroiling her husband's assets in her own bankruptcy was the same tactic Homer-Radtke employed in the chapter 7 case. In fact, Homer-Radtke has written at the bottom of her Schedule J that her intent in the new case is "to recover possession of community property & pay off any lawful debt owing."

Meanwhile, her Schedule I discloses that Homer-Radtke has no current income (although it alleges she is "due \$54,000 annual income converted to control of spouse"), indicating she is ineligible for chapter 13. See 11 U.S.C. § 109(e). Homer-Radtke also has not proposed a chapter 13 plan, as the Code requires. See 11 U.S.C. § 1321. The plan is overdue, see Fed. R. Bankr. P. 3015(b), and the standing chapter 13 trustee has moved to dismiss the case under section 1307.

This case, in short, does not appear to be a good faith filing. The petition and schedules strongly suggest that Homer-Radtke has no serious interest in reorganizing and obtaining a "fresh start." See *Local Loan Co. v. Hunt*, 292 U.S. 234, 244-45 (1934).

Rather, the new case appears to be yet another effort by Homer-Radtke to use the bankruptcy court as a means of righting what she perceives as old wrongs and avenging herself on people she views as her persecutors – particularly her ex-husband.

As the Seventh Circuit declared not long ago about a similar situation, "[t]his must stop." *Montgomery v. Davis*, 362 F.3d 956, 957 (7th Cir. 2004) (*per curiam*). Cases like

^{2/} It appears to be Homer-Radtke's view either that her divorce was invalid, or that she was wrongly deprived of property in the divorce, or both. Her Schedule I lists her marital status as "married."

this serve no legitimate bankruptcy purpose, and litigants like Homer-Radtke consume a grossly disproportionate share of the court's time, depriving deserving parties of attention. The court has limited resources and so a responsibility to allocate those resources in a way that promotes "the interests of justice." *Id.* (internal quotation omitted). The court therefore has the inherent power to take steps to protect itself from abuse. *Id.* In addition to that inherent power, section 105 of the Code authorizes the court to enter any order necessary to further the Code's purposes and prevent an "abuse of process." See 11 U.S.C. § 105(a).

Accordingly, on the court's own motion, **IT IS HEREBY ORDERED:**

1. A hearing will be held on October 29, 2004 at 9:30 a.m., in Room 206 of the Lake County Courthouse, 18 North County Street, Waukegan, Illinois, at which debtor Mary Ellen Homer-Radtke shall appear and show cause (1) why this case should not be dismissed pursuant to 11 U.S.C. §105 as an abuse of the bankruptcy process, and (2) why the debtor should not be barred from filing another case under Title 11 for a period of three (3) years.

2. This order shall be served on the debtor, the U.S. Trustee, and the chapter 13 trustee by regular mail.

Dated: October 20, 2004

ENTER: _____
United States Bankruptcy Judge