

LBR 1017-2. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS

(a) Voluntary Dismissal of a Chapter 7 Case.

1. ~~A motion for voluntary dismissal of a Chapter 7 case shall be served pursuant to LBR 9007-1 or LBR 2002-1(e).~~ A motion for voluntary dismissal of a Chapter 7 case shall state with specificity the cause or reason for the dismissal and shall list any asset previously undisclosed that would be property of the estate under 11 U.S.C § 541, including any newly discovered or anticipated inheritances. If no such assets exist, the motion shall contain a statement by the debtor under oath that no such assets exist.

2. Prior to the voluntary dismissal of a Chapter 7 case, all administrative expenses shall be paid.

3. ~~If the Chapter 7 Trustee does not consent in writing to the dismissal, the Court shall schedule a hearing.~~ A motion for voluntary dismissal of a Chapter 7 case shall be served pursuant to LBR 9007-1 or LBR 2002-1(e).

(b) Voluntary Dismissal of a Chapter 12 or Chapter 13 Case Previously Converted From Chapter 7.

1. A motion by a debtor to dismiss a Chapter 12 or Chapter 13 case that was previously converted from Chapter 7 shall specify the grounds for the motion.

2. A motion by the debtor to dismiss a Chapter 13 or Chapter 12 case previously converted from a Chapter 7 case shall be served pursuant to LBR 9007-1 or LBR 2002-1(e).

3. If the Chapter 7 Trustee originally appointed in the Chapter 7 case and the Chapter 13 Trustee do not consent in writing to the dismissal, the Court shall schedule a hearing.

(c) Trustee Fee Allowable Upon Dismissal. If a Chapter 13 case is dismissed prior to confirmation of a Chapter 13 plan, or prior to any disbursement to creditors, the Chapter 13 Trustee shall be allowed to retain up to \$100.00 as an administrative expense without further motion or order of the Court. However, prior to the payment of any such expense, the Chapter 13 Trustee shall pay any unpaid portion of the filing fee.

(d) Voluntary Dismissal of Chapter 11 Case.

1. A debtor's motion to dismiss a Chapter 11 case shall specify the grounds for the motion.
2. The debtor shall obtain a hearing date for the motion and serve the motion for voluntary dismissal, along with a notice of hearing pursuant to LBR 9007-1 or LBR 2002-1(e).

(e) Motion by Chapter 7 Trustee to Dismiss Case for Failure to Attend the § 341(a) Meeting of Creditors. A motion to dismiss a Chapter 7 case by the Chapter 7 Trustee for failure of the debtor to appear at the § 341(a) Meeting of Creditors shall be served on all entities required by FRBP 2002(a) and shall comply with LBR 9007-1 or LBR 2002-1(e).

(f) Dismissal for Failure to File Documents and Information Required by 11 U.S.C. § 521 and FRBP 1007. If the information and documents required by § 521 and FRBP 1007 are not filed upon the commencement of the case, the Clerk of Court shall notify the debtor and debtor's counsel that the missing information shall be filed within 14 days from the date of the notice. If the information and documents are not filed within the 14 days of the date of the notice, and the debtor has not requested a hearing during the 14 days, the bankruptcy case may be dismissed by the Court without further notice or hearing.

(g) Automatic Dismissal Pursuant to § 521: Motions to Dismiss for Insufficiency of Information Required by § 521. No case shall be automatically dismissed without a written order of the Court. The Court shall deem the information required to be filed by § 521 and FRBP 1007 to be sufficient unless the Court has dismissed the case pursuant to LBR 1017-2(f) or a motion to dismiss is filed respecting the sufficiency of the information by the 45th day after the filing of the petition.

(h) Effect of Dismissal on Related Adversary Proceedings and Pending Motions. After dismissal of a bankruptcy case, any pending adversary proceedings shall be dismissed by the Court unless the Court determines that it should retain jurisdiction. ~~The Court reserves jurisdiction over any~~ All pending ~~contested matters.~~ ~~motions~~ However, such matters shall be deemed moot unless within 14 days after entry of the order of dismissal the movant ~~files a~~ ~~requests~~ that the motion remain active pending further order of the Court.

(i) Effect of Dismissal on Future Filings by the Debtor.

All orders of dismissal shall be silent as to the prejudicial effect of the dismissal on future filings by the debtor unless the Court directs otherwise.