

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: April 06 2006

A blue ink signature of Mary Ann Whipple, written in a cursive style.

Mary Ann Whipple  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In Re:	)	Case No. 05-76905
	)	
Roger Thompson,	)	Chapter 7
	)	
Debtors.	)	
	)	JUDGE MARY ANN WHIPPLE

**ORDER RE MOTION TO REOPEN**

This case was closed without discharge on March 21, 2006. Under 11 U.S.C. § 727(a)(11), any debtor who does not complete a post-petition instructional course on personal financial management is not entitled to a discharge. Under Interim Bankruptcy Rule 1007(b)(7) and (c), Debtor is required to file a statement regarding completion of such a course within 45 days after the first date set for the first meeting of creditors. Under Interim Bankruptcy Rule 4004, the court is directed to grant the debtor a discharge unless, among other things, Debtor has not filed the required statement of completion. Debtor did not file such a statement as required by the applicable rules of procedure, so the case was closed without discharge.

Debtor has now filed a motion to reopen the case and has paid the required filing fee. The stated purpose for reopening is to allow the Debtor to file the statement of completion and, presumably, obtain a discharge. One of the permissible grounds for reopening a case under 11 U.S.C. § 350(b) is "to accord relief

to the debtor.” In essence, Debtor is requesting an extension of the time provided by Interim Bankruptcy Rule 1007(c) for the filing of the personal statement. The rule permits an extension of the time for filing of documents required to be filed thereunder only “on motion for cause shown and on notice to the United States trustee and... to [the] trustee...or other party as the court may direct.” In addition, since the request is being made after the expiration of the 45 day time period provided by Interim Bankruptcy Rule 1007(c), the provisions of Rule 9006(b)(1) apply. Under Rule 9006(b)(1), when the request for an enlargement of time is made after the time period for action has already expired, as it will be here, the court is permitted to enlarge the time only on motion where the failure to act timely was the result of excusable neglect.

The motion to reopen states no cause for extending the deadline and no grounds for a finding of excusable neglect so as to permit the court to extend the 45 day deadline after the time for filing has already expired. The court will grant the motion to reopen because the ultimate goal is to obtain relief for the Debtor, i.e. a discharge under 11 U.S.C. § 727. **But by doing so the court is not automatically granting Debtor leave to file the untimely statement required by Interim Bankruptcy Rule 1007(b)(7).** Rather, the Debtor may after reopening file a motion complying with Interim Bankruptcy Rule 1007(c) and Rule 9006(b) stating both cause and grounds for a finding of excusable neglect so as to permit the extension of time to file the certificate after the time for filing has already expired. The motion shall be noticed to the Office of the United States Trustee, the Chapter 7 Trustee and all creditors. It must conspicuously contain the notice language required by Local Bankruptcy Rule 9013-1(a) as to 10 days for response. If there is no timely request for hearing or objection to the motion by a party in interest, the court may then in its discretion grant the relief requested without further notice or opportunity for hearing. For good cause shown,

**IT IS ORDERED** that the Debtor’s Motion to Reopen Case for the Purpose to File Certificate of Debtor Education [Doc. # 11] is **GRANTED** only to the extent provided in this order, and this case is hereby reopened; and

**IT IS FURTHER ORDERED** that Debtor shall file any motion for enlargement of time under Interim Bankruptcy Rule 1007(c) and Rule 9006(b)(1) and for leave to file a statement as required by Interim Bankruptcy Rule 1007(b)(7) on or before **May 5, 2006**, absent which this case will be re-closed without discharge.