

APPENDIX A—DISMISSAL CHARTS

NOTE REGARDING EVENTS GOVERNED BY FRBP 9014: Though the rule might be read by some to suggest the filer must serve the motion to dismiss upon all parties in interest, the ultimate relief sought is covered by the hearing notice the Court will serve on all parties in interest for most events. As noted in the “Court Action” column below, other rules specifically permit limited notice for certain events. Accordingly, the charts below do not indicate service of any motion to dismiss on all parties in interest and references to FRBP 9014 in the “Docket and Serve” column only appear when the “debtor” is the party against whom relief is sought or, in the Chapter 7 context, when the debtor seeks dismissal and there are postpetition creditors.

Chapter 7 Dismissals (see generally Part2-4051 of the CM/ECF User’s Guide)

	Event	Filed by	Docket and Serve	Court Action
1	Dismiss Ch 7 11 USC § 707(a) FRBP 1017(f)(1), 9013, 9014 4100: 9 4100: 2	Debtor for cause not specified in the statute; unlikely to bring under either subsection (1) or (2); cannot bring under subsection (3)	<ul style="list-style-type: none"> • Motion to Dismiss Ch 7 • Affidavit that there are no postpetition creditors <i>or</i> Affidavit listing all postpetition creditors’ names and addresses • COS on trustee, UST and postpetition creditors per FRBP 9013, 9014 and 9034(c) <p>Note: Motion must set forth cause.</p> <p>Note: Add all postpetition creditors at “creditor matrix.”</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).
2	Dismiss Ch 7 11 USC § 707(a) FRBP 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee or UST for cause not specified in the statute; might bring under subsection (1), unlikely to bring under subsection (2), and only UST may bring under subsection (3) Note: See item 9 at	<ul style="list-style-type: none"> • Motion to Dismiss Ch 7 • COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and

		4520: 3 for motions by UST and trustee for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).		(k).
3	Dismiss Ch 7 11 USC § 105(a), 707(a)(2)	Order to Show Cause Hearing Set by Court for failure to pay fees and charges		<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (b), 2002(a)(4) and (k).
4	Dismiss Ch 7 11 USC § 707(a)(3) FRBP 1017(f)(1), 9013, 9014 4100: 9	UST for failure to comply with 11 USC § 521(1) Note: Creditors may not file under this subsection. Trustee may file only if UST has designated chapter trustee under FRBP 9001(11). Note: See also item 9 at 4520: 3 for motions by UST and trustee for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).	<ul style="list-style-type: none"> • Motion to Dismiss Ch 7 • COS on trustee and on debtor per FRBP 9013 and 9014 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (c).
5	Dismiss Ch 7 11 USC § 707(b) FRBP 1017(f)(1), 9013, 9014	UST for substantial abuse Note: Creditors may not file under this subsection. Trustee may file only if UST has designated chapter trustee under	<ul style="list-style-type: none"> • Motion to Dismiss 707(b) • COS on trustee and on debtor per FRBP 9013 and 9014 <p>Note: The above motion (see item 7</p>	<ul style="list-style-type: none"> • Clerk prepares bar date notice and serves electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (e).

		FRBP 9001(11).	at 4520: 3) or a Motion to Extend Time to File Motion to Dismiss 707(b) (see Part I, Row 8; 4100: 12) must be docketed within 60 days after first date set for the § 341 meeting per FRBP 1017(e)(1).	<ul style="list-style-type: none"> • If no objection/s, clerk enters docket text order and serves notice of dismissal electronically or via the BNC on everyone in the chapter case per FRBP 2002(f)(2) and (k). • If objection/s, clerk schedules telephonic (no testimony) preliminary hearing in all of <u>Judge Jackwig's cases</u> (unless the debtor is pro se) and on a case-by-case basis in <u>Judge Hill's cases</u> (in lieu of proceeding directly to a courtroom hearing) and serves NOH electronically or via the BNC on debtor, trustee and UST per 1017(a) and (e), 2002(a)(4) and (k). <p>Note: The NOH for the telephonic hearing will name the attorneys the judge will call.</p>
6	Dismiss Ch 7 28 USC §§ 1408, 1412 FRBP 1014(a)(2), 1017(f)(1), 9013, 9014	Creditor, trustee or UST for petition filed in an improper district Note: If you seek only a change of	<ul style="list-style-type: none"> • Motion to Dismiss Ch 7 • COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or

	4100: 9	venue for a case filed in an improper district, do not use this event. Instead use Motion to Change Venue . See Part I, Row 4; 4100: 6.		via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).
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Chapter 11 Dismissals (see generally Part2-4052 of the CM/ECF User's Guide)

	Event	Filed by	Docket and Serve	Court Action
1	Dismiss Ch 11 11 USC § 1112(b) FRBP1017(f)(1), 9013, 9014 4100: 9	Debtor/Debtor in Possession for cause; list of ten subsections are not exclusive	<ul style="list-style-type: none"> • Motion to Dismiss Ch 11 • COS on trustee (if one has been appointed) and on UST per FRBP 9013 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4), (d)(4) and (k).
2	Dismiss Ch 11 11 USC § 1112(b) FRBP 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee (if one has been appointed) or UST for cause; list of ten subsections are not exclusive Note: See item 9 at 4520: 3 for motions by UST and trustee (if one has been appointed) for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).	<ul style="list-style-type: none"> • Motion to Dismiss Ch 11 • COS on trustee (if one has been appointed), on debtor in possession/ debtor, and on UST per FRBP 9013, 9014 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4), (d)(4) and (k).
3	Dismiss Ch 11 11 USC § 105(a), 1112(b)(10)	Order to Show Cause Hearing Set by Court for failure to pay fees and charges		<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH &

				BD electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (b), 2002(a)(4) and (k).
4	Dismiss Ch 11 11 USC § 1112(e) FRBP 1017(f)(1), 9013, 9014 4100: 9	UST for failure to comply with 11 USC § 521(1) Note: Creditors may not file under this subsection. Trustee may file only if UST has designated chapter trustee under FRBP 9001(11). Note: See also item 9 at 4520: 3 for motions by UST and trustee for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).	<ul style="list-style-type: none"> • Motion to Dismiss Ch 11 • COS on trustee (if one has been appointed) and on debtor in possession/debtor per FRBP 9013 and 9014 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4), (d)(4) and (k).
5	Dismiss Ch 11 28 USC §§ 1408, 1412 FRBP 1014(a)(2), 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee (if one has been appointed) or UST for petition filed in an improper district Note: If you seek only a change of venue for a case filed in an improper district, do not use this event. Instead use Motion to Change Venue . See Part I, Row 4; 4100: 6.	<ul style="list-style-type: none"> • Motion to Dismiss Ch 11 • COS on trustee (if one has been appointed), on debtor in possession/debtor, and on UST per FRBP 9013, 9014 and 9034(c) 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4), (d)(4) and (k).

Chapter 12 Dismissals (see generally Part2-4053 of the CM/ECF User's Guide)

	Event	Filed by	Docket and Serve	Court Action
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1	Dismiss Ch 12 11 USC § 1208(b) FRBP 1017(f)(2), 9013	Debtor with no prior conversion under 11 USC § 706 or § 1112 Note: 11 USC § 1208(b) is silent regarding prior conversion under 11 USC § 1307(d).	<ul style="list-style-type: none"> • Motion to Dismiss 12 (Debtor no prior conversion) • COS on trustee and UST per FRBP 9013 and 9034(c) 	<ul style="list-style-type: none"> • Assigned judge reviews. Judge or designee enters order on docket and serves electronically. • Clerk serves notice of dismissal electronically or via the BNC on everyone in the chapter case per FRBP 2002(f)(2) and (k).
2	Dismiss Ch 12 11 USC § 1208(b) FRBP 1017(f)(2), 9013 Note: Since neither 11 USC § 1208(b) nor FRBP 1017(f)(2) is clear regarding the disposition of a motion to dismiss following a conversion, the Court is treating this matter as one requiring “notice and a hearing” or the equivalent of a motion under 11 USC § 1208(c). 4100: 9	Debtor with prior conversion under 11 USC § 706 or § 1112 Note: 11 USC § 1208(b) is silent regarding prior conversion under 11 USC § 1307(d).	<ul style="list-style-type: none"> • Motion to Dismiss Ch 12 • COS on trustee and UST per FRBP 9013 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).
3	Dismiss Ch 12 11 USC § 1208(c) FRBP 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee or UST for cause; list of nine subsections are not exclusive Note: See item 9 at 4520: 3 for motions by UST and trustee for order to show cause hearings brought pursuant to Orders Regarding	<ul style="list-style-type: none"> • Motion to Dismiss Ch 12 • COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and

		Duties of Debtor(s).		(k).
4	Dismiss Ch 12 11 USC § 105(a), 1208(c)(2)	Order to Show Cause Hearing Set by Court for failure to pay fees and charges		<ul style="list-style-type: none"> Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (b), 2002(a)(4) and (k).
5	Dismiss Ch 12 11 USC § 1208(d) FRBP 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee or UST for fraud	<ul style="list-style-type: none"> Motion to Dismiss Ch 12 COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) <p>Note: Motion must set forth good faith allegations of fraud.</p>	<ul style="list-style-type: none"> Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).
6	Dismiss Ch 12 28 USC §§ 1408, 1412 FRBP 1014(a)(2), 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee or UST for petition filed in an improper district Note: If you seek only a change of venue for a case filed in an improper district, do not use this event. Instead use Motion to Change Venue . See Part I, Row 4; 4100: 6.	<ul style="list-style-type: none"> Motion to Dismiss Ch 12 COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) 	<ul style="list-style-type: none"> Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).

Chapter 13 Dismissals (see generally Part2-4054 of the CM/ECF User's Guide)

Event	Filed by	Docket and Serve	Court Action
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1	Dismiss Ch 13 11 USC § 1307(b) FRBP 1017(f)(2), 9013	Debtor with no prior conversion under 11 USC § 706, § 1112 or § 1208	<ul style="list-style-type: none"> • Motion to Dismiss 13 (Debtor no prior conversion) • COS on trustee and UST per FRBP 9013 and 9034(c) 	<ul style="list-style-type: none"> • Assigned judge reviews. Judge or designee enters order on docket and serves electronically. • Clerk serves notice of dismissal electronically or via the BNC on everyone in the chapter case per FRBP 2002(f)(2) and (k).
2	Dismiss Ch 13 11 USC § 1307(b) FRBP 1017(f)(2), 9013 Note: Since neither 11 USC § 1307(b) nor FRBP 1017(f)(2) is clear regarding the disposition of a motion to dismiss following a conversion, the Court is treating this matter as one requiring “notice and a hearing” or the equivalent of a motion under 11 USC § 1307(c). 4100: 9	Debtor with prior conversion under 11 USC § 706, § 1112 or § 1208	<ul style="list-style-type: none"> • Motion to Dismiss Ch 13 • COS on trustee and UST per FRBP 9013 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).
3	Dismiss Ch 13 11 USC § 1307(c) FRBP 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee or UST for cause; list of ten subsections are not exclusive; only UST may bring under subsections (9) and (10) Note: See item 9 at 4520: 3 for motions by UST and trustee	<ul style="list-style-type: none"> • Motion to Dismiss Ch 13 • COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) <p>Note: Motion must set forth cause.</p>	<ul style="list-style-type: none"> • Clerk schedules courtroom (no testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP

		for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).		1017(a), 2002(a)(4) and (k).
4	Dismiss Ch 13 11 USC § 105(a), 1307(c)(2)	Order to Show Cause Hearing Set by Court for failure to pay fees and charges		<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (b), 2002(a)(4) and (k).
5	Dismiss Ch 13 11 USC § 1307(c)(9) FRBP 1017(f)(1), 9013, 9014	UST for failure to comply with 11 U.S.C. § 521(1) Note: Creditors may not file under this subsection. Trustee may file only if UST has designated chapter trustee under FRBP 9001(11). Note: See also item 9 at 4520: 3 for motions by UST and trustee for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).	<ul style="list-style-type: none"> • Motion to Dismiss Ch 13 • COS on trustee and on debtor per FRBP 9013 and 9014 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on debtor, trustee and UST per FRBP 1017(a) and (c).
6	Dismiss Ch 13 11 USC § 1307(c)(10) FRBP1017(f)(1), 9013, 9014 Note: The rationale for 11 USC § 1307(c)(10) is not entirely clear	UST for failure to comply with 11 USC § 521(2) Note: Creditors may not file under this subsection. Trustee may file only if UST has designated chapter trustee under	<ul style="list-style-type: none"> • Motion to Dismiss Ch 13 • COS on trustee and on debtor per FRBP 9013 and 9014 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case

	because the plain language of 11 USC § 521(2) seemingly applies only in Chapter 7 cases. <i>Compare</i> FRBP 1007(b)(2) and Official Bankruptcy Form 8. <i>But see</i> 11 USC § 103(a).	FRBP 9001(11). Note: See also item 9 at 4520: 3 for motions by UST and trustee for order to show cause hearings brought pursuant to Orders Regarding Duties of Debtor(s).		per FRBP 1017(a), 2002(a)(4) and (k).
7	Dismiss Ch 13 28 USC §§ 1408, 1412 FRBP 1014(a)(2), 1017(f)(1), 9013, 9014 4100: 9	Creditor, trustee or UST for petition filed in an improper district Note: If you seek only a change of venue for a case filed in an improper district, do not use this event. Instead use Motion to Change Venue . See Part I, Row 4; 4100: 6.	<ul style="list-style-type: none"> • Motion to Dismiss Ch 13 • COS on trustee, debtor and UST per FRBP 9013, 9014 and 9034(c) 	<ul style="list-style-type: none"> • Clerk schedules courtroom (testimony) hearing and serves NOH & BD electronically or via the BNC on everyone in the chapter case per FRBP 1017(a), 2002(a)(4) and (k).