

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

FILED

2017 SEP 28 P 4:45

In re:

The Administration of the
United States Bankruptcy Court
for the Eastern District of Michigan

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Administrative Order
No. 17-03

**ADMINISTRATIVE ORDER AMENDING
LOCAL BANKRUPTCY RULE 9014-1(g)(16)**

This administrative order is being entered to resolve an inconsistency between two of the Local Bankruptcy Rules for the Eastern District of Michigan regarding a motion to reopen a closed bankruptcy case.

Section 350(b) of the Bankruptcy Code authorizes the Court to reopen a closed bankruptcy case. Federal Rule of Bankruptcy Procedure 5010 prescribes the procedure to reopen a closed bankruptcy case by requiring the filing of a motion. E.D. Mich. LBR 5010-1(a) states that “a motion to reopen a closed bankruptcy case may be filed *ex parte*.”

E.D. Mich. LBR 9014-1 governs motion procedure generally, and requires a 14 day “Notice of Motion and Opportunity to Object” to accompany a motion filed under that rule. A number of exceptions to the rule are set forth in E.D. Mich. LBR 9014-1(g). One of those exceptions, in E.D. Mich. LBR 9014-1(g)(16), states that the rule does not apply to “a motion to reopen a case to file missing papers under Local Rule 5010-1.” As presently written, that exception is inconsistent with E.D. Mich. LBR 5010-1. Because any motion to reopen a closed bankruptcy case may be filed *ex parte* under E.D. Mich. LBR 5010-1(a), the


exception in E.D. Mich. LBR 9014-1(g)(16) should not be limited to those motions to reopen a closed bankruptcy case where the purpose is to file missing papers. Instead, the exception in E.D. Mich. LBR 9014-1(g)(16) should apply to any motion to reopen a closed bankruptcy case under E.D. Mich. LBR 5010-1(a).

Accordingly, to make it clear that the requirements of E.D. Mich. LBR 9014-1 do not apply to any motion to reopen a closed bankruptcy case under E.D. Mich. LBR 5010-1(a),

IT IS HEREBY ORDERED that E.D. Mich. LBR 9014-1(g)(16) is amended to delete the following words: “to file missing papers.”

IT IS FURTHER ORDERED that E.D. Mich. LBR 9014-1(g)(16) now reads as follows: “a motion to reopen a case under Local Rule 5010-1.”

IT IS FURTHER ORDERED that except as expressly amended by this order, E.D. Mich. LBR 9014-1 is unchanged and remains in full force and effect.



PHILLIP J. SHEFFERLY, Chief Judge
United States Bankruptcy Court

Dated: September 28, 2017