

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
DELORES DEBORAH REID, ) CASE NO. 07-23174 JPK  
 ) Chapter 7  
Debtor. )

ORDER ON MOTION TO REOPEN CASE

On November 20, 2007, the Court entered an order which struck the document designated as "Petition" filed on November 19, 2007, and which further closed the record of the (non-existent) case. The reason for this action was stated in the November 20 order: because the filings on November 19 lacked any evidence of the debtor's signature, there was never a valid petition, and thus there was never a valid case. The order was entered pursuant to the Court's absolutely invariable procedure.

On November 20, 2007, the debtor's counsel filed a "Motion to Reopen the Above-Captioned Case", and paid the \$260.00 reopening fee. In the motion, counsel explains that the lack of a petition evidencing signature by the debtor was an oversight.

First, the Court notes that whatever mechanism which might have been employed by debtor's counsel to undue the November 20, 2007 order which struck the petition would be to no avail. As stated, the striking of the petitions and closing of docket records under the circumstances evidenced here is immutable, and the Court will never vary from this practice for a number of reasons which are not necessary to address here. Parenthetically, the Court notes that the debtor's motion requests relief from a final order of the Court and as such falls within the requirements of N.D.Ind.L.B.R. B-9023-1. The motion fails to comply with this Rule both because it fails to designate the statute or rule under which the reopening is sought (Fed.R.Bankr.P. 9023 or 9024) and is not accompanied by a supporting brief.

The Court finds that the motion should be, and will be denied.<sup>1</sup>

The Court notes that the filing fee paid for the above-designated case will be refunded to debtor's counsel, as will the reopening fee which has been paid.

IT IS ORDERED that the above-designated motion is denied.

IT IS FURTHER ORDERED that both the filing fee for the above-designated case and the fee paid with the motion to reopen shall be refunded.

Dated at Hammond, Indiana on December 6, 2007.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee

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<sup>1</sup> In order to avoid this unfortunate circumstance in the future, counsel is advised to open the file to be sent to the Court to initiate a case immediately before the file is transmitted to make certain that a copy of the petition evidencing the debtor's signature is included in the transmission. Additionally, after the transmission has been completed, counsel is advised to utilize the Court's PACER system to confirm that the filing as received by the Court includes the required document.