

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JEREMY JOSEPH MUSKIEVICZ) CASE NO. 05-62195-jpk
NIKKI MAREE MUSKIEVICZ,) Chapter 7
)
Debtors.)

ORDER REGARDING MOTION TO REINSTATE DISCHARGE ["MOTION"]

The Motion, filed on May 5, 2008 in Case No. 05-62195, requests that the Court reinstate the debtor's discharge due to their satisfying the Chapter 7 Trustee that they have complied with the requirements imposed upon them, their non-compliance with which led to a final judgment entered in Adversary Proceeding No. 07-2099 by which the order which granted them a discharge in their Chapter 7 case was revoked. While the Court fully understands that the Chapter 7 Trustee has essentially agreed to the vacation of the final judgment entered in Adversary Proceeding No. 07-2099, the Motion is ineffective to accomplish that purpose. The relief requested by the debtors requires the filing of a motion in Adversary Proceeding No. 07-2099 premised upon Fed.R.Bankr.P. 9024/Fed.R.Civ.P. 60(b)(5), or alternatively Rule 60(b)(6)¹. Alternatively, a stipulation between the debtors and Chapter 7 Trustee which demonstrates that the grounds giving rise to revocation of discharge have been eviscerated and requesting vacation of the final judgment entered in Adversary Proceeding No. 07-2099 would do the trick as well.

IT IS ORDERED that the Motion is Denied, without prejudice to the filing of a motion in accordance with applicable law and rules in Adversary Proceeding No. 07-2099.

Dated at Hammond, Indiana on June 4, 2008.

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

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee

¹ With respect to that motion, the Court waives the requirements of N.D.Ind.L.B.R. B-9023-1(a) which requires the filing of a brief in support of the motion.