

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF: )  
)  
THEODORE GEORGE KARAS ) CASE NO. 08-40577  
JEANA GEORGINA KARAS )  
)  
Debtors )

**DECISION AND ORDER DENYING MOTION TO RECONSIDER**

At Fort Wayne, Indiana, on August 15, 2008.

This case was filed electronically on July 31, 2008. It was dismissed on August 1, 2008, due to the failure to file a scanned copy of the petition's signature page, bearing the debtors' original signatures, as required by the court's order authorizing electronic case filing. Fifth Amended Order Authorizing Electronic Case Filing ¶ 11. See also, In re King, 2006 WL 1994679 \*4 (Bankr. N.D. Ind. 2006). The debtors have filed a motion asking the court to reconsider the dismissal.<sup>1</sup> The motion represents that counsel's internet service went down on the afternoon of July 31 and was not restored until after August 1. Those problems prevented counsel from filing the case from the office and, instead, required counsel to use a home internet service. As for the required signature pages, counsel anticipated filing them as soon as the office internet service was restored.

Counsel's explanation for failing to comply with requirements necessary to properly commence a case is not sufficient. The court is willing to accept the fact that counsel's office was without internet service when the case was filed, yet that does not explain why the information needed to file the case from home could be transported there from the office but scanned copies of the required signature pages could not be. It should have been relatively easy to save a scanned copy

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<sup>1</sup>The motion has not been accompanied by a brief or other materials in support thereof, as required by the local rules of this court. N.D. Ind. L.B.R. B-9023-1. See also, In re King, 2006 WL 1994679 \*1-2 (Bankr. N.D. Ind. 2006).

of those pages to a disc or a memory stick or some other portable device and upload them from home as well. Without an explanation of why this could not have been done, the motion is insufficient. See, In re Sizemore, 341 B.R. 658 (Bankr. N.D. Ind. 2006); In re Shideler, 2006 WL 2539710 (Bankr. N.D. Ind. 2006) (counsel's computer problems do not constitute excusable neglect). Furthermore, the problem that led to the dismissal of this case – the failure to file copies of the originally signed signature pages – has yet to be corrected, so that even now, two weeks later, the court still does not have copies of those documents. See, Tolliver v. Northrup Corp., 786 F.2d 316, 319 (7th Cir. 1986)(“It would take an extraordinary set of facts – one we cannot now imagine – to make a case of ‘abuse of discretion’ in failing to restore to the docket a case in which the defaulting party is still in default at the time the [] judge rules on the motion to vacate.”).

The dismissal of this case was without any type of prejudice. See, 11 U.S.C. § 349(a). See also, Johnson v. Indiana Family & Social Service Administration, 2006 WL 978982 (D. N.D. Ind. 2006); Rodriguez v. Washington, 1995 WL 593081 (D. N.D. Ill. 1995). Thus, the debtors are free to refile at any time without any restrictions, save those which are automatically associated with filing multiple cases within a 12-month period. See, 11 U.S.C. § 362(c)(3),(4).

For all of these reasons, debtors' Motion to Reconsider Order of Dismissal is DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court