

Not Intended for Publication

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)	
)	
KEVIN LYNN JONES)	CASE NO. 10-12354
)	
)	
Debtor)	

DECISION AND ORDER DENYING MOTION TO REOPEN

At Fort Wayne, Indiana, on June 11, 2013.

The debtor received a discharge on September 7, 2010 and the case was closed the following day. On June 6, 2013, the debtor filed a motion to reopen the case “to file various documents,” yet the motion does not identify what those documents might be or describe them in any way. Without knowing what the debtor wants to file, it is difficult, if not impossible, to determine how to proceed – unless the court is to operate on the proposition that it should reopen a case any time it is asked to do so, for any reason whatsoever, which is not a true statement.

Decisions on whether to reopen a case are matters committed to the court’s discretion and the reason the movant wants to reopen matters when it comes to how the court exercises that discretion. Matter of Shondel, 950 F.2d 1301, 1304 (7th Cir. 1991); In re Apex Oil Co, Inc., 406 F.3d 538, 542 (8th Cir. 2005); In re OORC Leasing, LLC, 359 B.R. 227, 231 (Bankr. N.D. Ind. 2007). For example, the court will generally reopen a case to allow debtors to file amended creditor schedules, see, In re Moyette, 231 B.R. 494, 497 (E.D. N.Y. 1999), In re Scism, 41 B.R. 384 (Bankr. W.D. Okla. 1984), but see, In re Madaj, 149 F.3d 467 (6th Cir. 1998), In re Beezley, 994 F.2d 1433 (9th Cir. 1993), motions to avoid liens on previously exempted property, In re Weinstein, 164 F.3d 677, 686 n.7 (1st Cir. 1999), In re Ricks, 89 B.R. 73 (9th Cir. BAP 1988), but not to claim new

exemptions, see, In re Bartlett, 326 B.R. 436 (Bankr. N.D. Ind. 2005); In re Clear, 1992 WL 1359570 (Bankr. N.D. Ind. 1992), or to file belated reaffirmation agreements. Cf., In re Whitmer, 142 B.R. 811, 814 (Bankr. S.D. Ohio 1992); In re Brinkman, 123 B.R. 611, 612 (Bankr. N.D. Ind. 1991). Neither will it reopen a case where no purpose would be served by doing so. See, Redmond v. Fifth Third Bank, 624 F.3d 793, 803 (7th Cir. 2010) (case should not be reopened when it would be “futile and a waste of judicial resources”); In re Thibodeau, 136 B.R. 7 (Bankr. D. Mass. 1992) (case should not be reopened when it would be meaningless). Furthermore, depending upon what the debtor wants to file, for example amended property schedules identifying heretofore undisclosed assets, the appointment of a trustee may be required. See, 11 U.S.C. § 554(c), (d); Fed R. Bankr. P. Rule 5010. Without being told what documents the debtor wants to file, see, Fed. R. Bankr. P. Rule 9013 (a motion shall state the grounds therefor with particularity), the motion to reopen cannot be approved and is, therefore, DENIED, without prejudice.

SO ORDERED.

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