

## Motion to Administratively Reopen Closed Chapter 11 Individual Case

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### **Docketing Event**

Bankruptcy > Motions/Applications/Objections > Motion to Administratively Reopen Individual Chapter 11 Case

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**Negative Notice: Yes.**

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**Accompanying Orders:** When a debtor files the motion for any reason other than to obtain a discharge and final decree, debtor may upload a proposed order separately at the same time as the motion.

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### **Code and Rule References:**

[28 U.S.C. § 1746](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

[Local Rule 3022-1](#)

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**Fee: N/A**

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**Applicable Chapters: 11**

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**Implemented: 2/9/2016**

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**Last Revision: 9/9/2020 10:25:05 AM**

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### **Description**

In an individual Chapter 11 case, the debtor is not eligible for discharge until all payments under the plan are completed or the Court grants an earlier discharge. Chapter 11 individual cases could remain open for an extended period of time. This would cause the debtor to have to pay the U.S. Trustee quarterly fees and to continue to file quarterly reports.

To reduce these obligations, the Court allows an individual Chapter 11 case to be administratively closed upon the filing of a Motion to Administratively Close Individual Chapter 11 Case. The case can be reopened for entry of a discharge upon filing of a Motion to Administratively Reopen Individual Chapter 11 Case (after completion of all plan payments). Should a party wish to file a pleading during the time the case is administratively closed, a Motion to Reopen is required. No filing fee is assessed for filing the Motion to Reopen.

Court approval of post-confirmation attorney's fees is optional and not required, but a Disclosure of Fees Paid or To Be Paid is required. Parties may file an Amended 2016 Statement if fees are paid before Motion to Reopen is filed. If fees are to be paid after the Motion to Reopen is filed, then fees can be disclosed in the motion. There is no standard approved amount of attorney's fees awarded for reopening an individual Chapter 11 case.

This procedure addresses the Motion to Administratively Reopen Individual Chapter 11 Case only. Separate procedures for processing Motions to Administratively Close Individual Chapter 11 Cases are available.

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## Filing Checklist

Review the motion to determine if it:

- Is signed and verified by the debtor;
  - ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., “I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include ‘under the laws of the United States of America’] that the foregoing is true and correct. Executed on (date).
- Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- Lists the total amount of payments made to each creditor under the plan;
- Is properly served and includes a certificate of service.
  - ❖ **Note:** If the motion is filed by a creditor, make sure it is filed with negative notice that contains correct language.
    - Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).
  - ❖ **Note:** If the motion is filed by a debtor to obtain a discharge and final decree, make sure it is filed with negative notice that contains the correct language.
    - Response period is 21 days (plus an additional three days for service if any party was served by U.S. Mail).

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## Forms

[Motion to Administratively Reopen Individual Chapter 11 Case to Obtain Discharge and Final Decree](#)

[Order Granting Motion to Administratively Reopen Individual Chapter 11 Case and Directing Response to Request for Entry of Discharge and Final Decree](#)

- ❖ **Note:** Use of the sample motion is encouraged. Use of the sample order is required.