

Motion to Dismiss Case or Party – Chapter 7 and Chapter 11

Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to Dismiss Case
 - Bankruptcy > Motions/Applications/Objections > Motion to Dismiss Party
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Negative Notice: No, unless paper is a Motion by Chapter 7 Trustee to Dismiss for Failure to Attend 341 Meeting.

Accompanying Orders: No.

Code and Rule References:

[11 U.S.C. § 349](#)

[Fed. R. Bankr. P. 2002](#)

[11 U.S.C. § 707](#)

[Fed. R. Bankr. P. 9013](#)

[11 U.S.C. § 1112](#)

[Local Rule 2002-4](#)

[Fed. R. Bankr. P. 1017](#)

[Local Rule 9013-1](#)

Fee: N/A

Applicable Chapters: 7, 11

Implemented: 8/14/2020

Last Revision: 8/14/2020 12:43:31 PM

Description

Any interested party, including the debtor, creditors, trustees and the United States Trustee, may move to dismiss the case or a particular debtor from a Chapter 7 or 11 case. A motion is required. This procedure does not apply to Chapter 12 or 13 cases.

Negative notice under Local Rule 2002-4 is not used *unless* the chapter 7 Trustee is filing a Motion to Dismiss for Failure to Attend 341 Meeting. Filing a “notice” of dismissal does not automatically dismiss a case. A hearing usually is held, and an order is needed.

11 U.S.C. § 707 governs Chapter 7 case dismissals, and 11 U.S.C. § 1112 governs Chapter 11 case dismissals. Except as provided under the Bankruptcy Code or court order, dismissal of a bankruptcy case is without prejudice and does not bar the debtor from filing a new case.

Filing Checklist

Review the motion to determine if:

- The motion is signed;
- Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- The motion is properly served and includes a proper certificate of service; and
- If the Chapter 7 Trustee is requesting dismissal of a case for failure to attend 341 meeting, the motion contains negative notice that has correct language located on the first page.

Forms

[Motion to Dismiss](#)