

Motion To Dismiss Case and Motion To Sever Case

NOTE: This procedure is to be used if the party filer is a Trustee; if the party filer is **NOT a Trustee**, the Motions procedure should be used!

INTRODUCTION:

- Chapter 12 or 13 Trustees filing a Motion To Dismiss using the Court's LBF should use the Batch event.
- If filing a Motion To Dismiss Adversary Proceeding, the Motions procedure should be used.
- If one debtor in a joint case failed to attend the meeting of creditors or the debtors are not married, use the Motion to Sever Case (Chapter 07) event and follow the procedures below.

STEP 1. Click on **Bankruptcy** on the ECF Main Menu Bar.

STEP 2. Click on **Motions/Applications**.

STEP 3. The **Case Number** screen displays.

- Insert the case number using the YY-NNNNN format.
- Click **Next**.

STEP 4. Confirm the debtor(s) name and case number are correct.

- Select the appropriate motion from the event list.
- Click **Next**.

STEP 5. The **Party Selection** screen displays.

- Select the party filer.
- Click **Next**.

STEP 6. Confirm the Debtor(s) name and case number are correct.

NOTE: If filing a Motion To Sever Case, proceed to **STEP 7**. If filing a Motion To Dismiss Case, proceed to **STEP 6**.

- Click **Next** and continue with **STEP 8**.

STEP 7. Several items appear.

- Fee:** \$ box displays, enter 0.00.
- At **Did Debtor Complete the Meeting of Creditors?** click on the Radio Button which corresponds with the correct answer. (Defaults to **No**.)
- At **Debtors Are Married?** click on the Radio Button which corresponds with the correct answer. (Defaults to **Yes**.)
- Click **Next**.

NOTE: If answering **Yes** to both questions, proceed to **STEP 11**. If answering **No** to either question, proceed to **STEP 12**.

STEP 8. Did Debtor(s) Complete the Meeting of Creditors?

- Click on the Radio Button which corresponds with the correct answer. (Defaults to **No**.)
- Click **Next**.

NOTE: If answering **Yes**, proceed to **STEP 9**. If answering **No**, proceed to **STEP 12**.

STEP 9. At Select the reason for dismissing below:

- Click on the Radio Button which corresponds with the reason for dismissal.
- Click **Next**.

STEP 10. Does this filing include Supporting Documents, e.g., Affidavit, Declaration, etc.?

- Click on the Radio Button which corresponds with the correct answer (Defaults to No.)
- Click **Next**.

STEP 11. Several items may appear.

- If filing a Motion To Sever, at **Does This Filing Include An Affidavit?** Click on the Radio Button which corresponds with the correct answer (Defaults to No.)
- Click Browse to select the appropriate PDF to attach.
- Click **Next**.

NOTE: If filing a Motion To Sever, proceed to **STEP 13**. If filing a Motion To Dismiss, proceed to **STEP 14**.

STEP 12. Confirm the Debtor(s) name and case number are correct.

- Click **Next**.

NOTE: If filing a Motion To Sever, proceed to **STEP 13**. If filing a Motion To Dismiss, proceed to **STEP 14**.

STEP 13. Enter Name of Debtor to be Severed displays.

- Enter the name of the Debtor to be severed.
- Click **Next**.

STEP 14. The Docket Text: Modify as Appropriate screen displays.

- Use the drop down list to select any extra information that may be required to complete the docket text and/or use the free text box (up to 30 characters) to add important information or leave both blank

- Click **Next**.

STEP 15. The **Docket Text: Final Text** screen displays.

- Confirm the docket text is correct.

- Click **Next**.

STEP 16. The **Notice of Electronic Filing** screen displays.