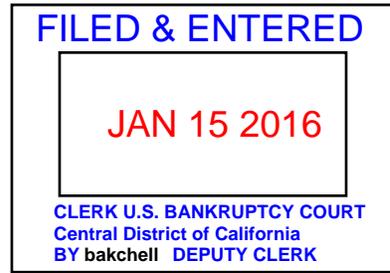


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ORDER NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: ARTHUR ALDRICH, Debtor.	Case No. 2:15-bk-26524-RK Chapter 7 ORDER CONDITIONALLY GRANTING DEBTOR'S REQUEST TO VACATE DISMISSAL [No Hearing Required]
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Pending before the court is the motion of debtor Arthur Aldrich (“Debtor”) styled as a “request” to vacate the dismissal order of his Chapter 7 case [entered on December 29, 2015 as ECF 14] for failure to appear at the 11 U.S.C. § 341(a) meeting of creditors pursuant to Local Bankruptcy Rule 1017-2(c)(1) and 9013-1(q) (“Motion”). ECF 16.

Having considered the Motion, the court determines that Debtor, who is self-represented, in his request has provided a sufficient explanation of the circumstances of his failure to attend the 11 U.S.C. § 341(a) meeting of creditors due to his medical condition to warrant reconsideration of the dismissal of his bankruptcy case for such failure due to “excusable neglect” under Rule 9024 of the Federal Rules of Bankruptcy Procedure, incorporating by reference, Rule 60(b)(1) of the Federal Rules of Civil Procedure, but the request is procedurally defective because Debtor failed to provide his explanation of his circumstances under a declaration under penalty of perjury as required

1 by Local Bankruptcy Rule 1017-1(c)(1). In considering the totality of circumstances of
2 Debtor's motion, including his self-represented status and his explanation of his
3 circumstances,

4 IT IS ORDERED as follows:

- 5 1. Debtor's Motion is GRANTED pursuant to Local Bankruptcy Rule 1017-2(c)(1)
6 and 9013-1(q), subject to the condition that Debtor remedies the procedural
7 defect of his Motion not being made under a declaration under penalty of
8 perjury as set forth in paragraph 5 below.
- 9 2. The order dismissing this bankruptcy case is hereby VACATED, and the case
10 is reinstated as active bankruptcy case.
- 11 3. The Chapter 7 Trustee is ordered to be reappointed to administer Debtor's
12 Chapter 7 case.
- 13 4. Debtor is ordered to appear at the 11 U.S.C. § 341(a) meeting of creditors as
14 renoticed by the Chapter 7 Trustee.
- 15 5. To remedy the procedural defect of the lack of a declaration under penalty of
16 perjury, Debtor is ordered to file his statements made in his request to vacate
17 dismissal in a written declaration under penalty of perjury by February 16, 2016
18 as required by Local Bankruptcy Rule 1017-2(c)(1), or otherwise, the court may
19 reconsider and vacate this order and issue another order for dismissal.

20 IT IS SO ORDERED.

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24 Date: January 15, 2016

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26 Robert Kwan
27 United States Bankruptcy Judge
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