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NOT FOR PUBLICATION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

In re:
MARY A. LUZURIAGA,

Debtor.

Case No. 2:16-bk-20351-RK
Chapter 7
**ORDER GRANTING DEBTOR'S MOTION
TO VACATE DISMISSAL AND
REINSTATE CHAPTER 7 BANKRUPTCY
CASE**
[No Hearing Required]

Pending before the court is Debtor Mary A. Luzuriaga's ("Debtor") motion to vacate the dismissal of and reinstate her Chapter 7 case ("Motion"). ECF 13. On August 22, 2016, the court entered its Order dismissing her Chapter 7 case for failure to timely file her case opening documents which were due on August 17, 2016. ECF 12. Debtor filed her case opening documents a day late on August 18, 2016. ECF 11.

Having reviewed the moving papers and the court's record, the court determines that Debtor in her Motion has shown that her counsel was under the mistaken belief that her case opening documents were due on August 18, 2016 (and not August 17, 2016) and improperly calendared the deadline. Accordingly, the court determines that Debtor's failure to timely file her case opening documents was due to her counsel's "excusable neglect" to warrant reconsideration of the dismissal of her bankruptcy case under Federal

1 Rule of Bankruptcy Procedure 9024, which incorporates by reference Federal Rule of
2 Civil Procedure 60(b)(1). Additionally, the court notes that Debtor filed the required
3 information on August 18, 2016 (ECF 11), copies of which were also attached as an
4 exhibit to her Motion.

5 Accordingly, in considering the totality of the circumstances of Debtor's Motion,
6 and the explanation of her circumstances,

7 IT IS ORDERED as follows:

- 8 1. Debtor's Motion is GRANTED pursuant to Federal Rule of Bankruptcy
9 Procedure 9024, Federal Rule of Civil Procedure 60(b)(1) and Local
10 Bankruptcy Rules 1017-2(c)(1) and 9013-1(q);
- 11 2. The order dismissing this bankruptcy case is hereby VACATED, and the
12 case is reinstated as an active bankruptcy case; and
- 13 3. The Chapter 7 trustee is ordered to be reappointed to administer Debtor's
14 Chapter 7 case.

15 **IT IS SO ORDERED.**

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23 Date: September 7, 2016



Robert Kwan
United States Bankruptcy Judge