

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

G.O. #91-1
AMENDED

IN RE: :
 :
GENERAL ORDER GOVERNING DISMISSAL : **AMENDED**
OF CASES AND IMPOSITION OF :
SANCTIONS FOR INCOMPLETE FILINGS, :
 :
G.O. #91-1 :

AMENDED ORDER

WHEREAS pertinent sections of the Bankruptcy Code including 11 U.S.C. Sections 707(a)(3), 1112(e), and 1307(c)(9) require that a case not be dismissed for failure to prosecute unless a motion therefor is filed by the Unites States Trustee, and

WHEREAS, given the level of filings in this District, it is impractical and infeasible to file a separate motion for each case wherein a debtor has failed to prosecute a case by not timely filing all documetns required by the Bankruptcy Code, Bankruptcy Rules, and the local rules, and

WHEREAS, given the level of filings in this District, it is impractical and infeasible to file a separate motion for each case wherein a debtor has failed to prosecute a case by failing to respond or to file full and complete answers to all questions contained in the documents required by the Bankruptcy Code, Bankruptcy Rules, and the Local rules, and

WHEREAS, an efficient system exists in the Clerk's Office to provide notice of deficient filings to all debtors, and

WHEREAS, an efficient system exists via the panel trustee, the standing Chapter 13 trustee, and the Bankruptcy Analysts of the Untied States Trustee's Office for the Western District of Pennsylvania to provide notice to all debtors of incomplete answers to questions contained dinted various documents require to be filed.

NOW, THEREFORE, this 2nd day of August, 1991, **IT IS HEREBY ORDERED** that in any voluntarily filed cases there shall be deemed filed a Motion To Dismiss, or in the alternative, a Motion for the Imposition of Sanctions, for failure to prosecute the case, where the debtor has failed to file any documents required by the bankruptcy Code, Bankruptcy Rules, or local rules or has failed to answer or respond fully to all questions in

said documents, and

IT IS FURTHER ORDERED that the Clerk, the U.S. Trustee , or the trustee shall provide, when applicable, to the debtor or debtor's attorney, a notice,

- (1) That the U.S. Trustee is deemed to have filed a Motion To Dismiss the bankruptcy case, or in the alternative, a Motion for Imposition of Sanctions, based upon deficiencies in the documents required to be filed by the debtor pursuant to the Bankruptcy Code, Bankruptcy Rules or Local Bankruptcy Rules;
- (2) Indicating the nature of the case as being asset or no-asset, voluntary or involuntary; recommending either the dismissal of the case or the imposition of sanctions and specifying such deficiencies;
- (3) That the debtor shall provide a verification that all property of and all claims against debtor, whether or not debtor is continuing to pay them or considers them nondischargeable debts, have been listed in the schedules
- (4) That the Motion will be granted and the cases dismissed, or in the alternative, sanctions imposed, including but not limited to, denial of the debtor's discharge after distribution of any estate assets if the specified documentary deficiencies are not corrected within fifteen (15) days, or within such further time as the court may allow by order;
- (5) That the debtor may request a hearing on the deemed filed motion to dismiss or motion to impose sanctions; however, a request for a hearing does not stay the due date for correcting any deficiencies; and

In the event that the trustee recommends imposition of sanctions, the court shall set a hearing to determine what, if any, sanctions shall be imposed.

IT IS FURTHER ORDERED that the Clerk shall publish the entry of this Amended General Order in the Pittsburgh Legal Journal, the Eire County Legal Journal and the Cambria County Legal Journal.

This Amended General Order shall become effective on the 3rd day of September, 1991.

/S/ Joseph L. Cosetti
Joseph L. Cosetti
Chief Bankruptcy Judge

/S/ Warren W. Bentz
Warren W. Bentz
U.S. Bankruptcy Judge

S/ Bernard Markovitz
Bernard Markovitz
U.S. Bankruptcy Judge

/S/ Judith K. Fitzgerald
Judith K. Fitzgerald
U.S. Bankruptcy Judge