

Section 727(a)(11) – Modest Proposals for Change

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An individual is not eligible to file for bankruptcy protection under § 109(h)(1) of the Bankruptcy Code unless he or she “has, during the 180-day period ending on the date of filing of the petition by such individual, received ... an individual or group briefing ... that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.”¹ The debtor is permanently excused from that

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¹ 11 U.S.C. § 109(h)(1). The briefing must be performed by an “approved nonprofit budget and credit counseling agency described in section 111(a).” *Id.*

The debtor is temporarily exempt from the requirement if the debtor provides the court a certification that:

- “(i) describes exigent circumstances that merit a waiver of the requirement of paragraph (1);
- (ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the

requirement under the circumstances described in § 109(h)(4).² Having completed the required briefing and filing for bankruptcy, the debtor is not eligible for a discharge if “after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111” subject to the permanent exemptions described in § 109(h)(4).³

These requirements for debtor financial education were inserted into the Bankruptcy Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).⁴ Without entering the debate about the efficacy of the educational requirements of BAPCPA,⁵ in this article I

services referred to in paragraph (12) during the 7-day period beginning on the date on which the debtor made that request; and

(iii) is satisfactory to the court.

Id. at § 109(h)(3)(A). This exemption does not apply after the “date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.” *Id.* at § 109(h)(3)(B).

² The debtor is permanently exempt from the requirement if the court determines that the debtor “is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone.” *Id.* at § 109(h)(4). “Incapacity” is defined as impairment “by reason of mental illness or mental deficiency so that [debtor] is incapable of realizing and making rational decisions with respect to [debtor’s] financial responsibilities.” *Id.* “Disability” is defined as being “physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1).” *Id.*

³ 11 U.S.C. § 727(a)(11); *see also* 11 U.S.C. § 1328(g); 11 U.S.C. § 1141(d)(3)(C).

⁴ Pub. L. 109-8, § 106, 119 Stat. 37 (2005).

⁵ In a seminal empirical study, Professor Michael D. Sousa concluded that the vast majority of debtors in his study did not find any value in either of the two debtor education courses, and less than seven percent found them helpful. *See* Michael D. Sousa, *Just Punch My Bankruptcy Ticket: A Qualitative Study of Mandatory Debtor Financial Education*, 97 MARQ. L. REV. 391, 398 (2013). *See also* Jonathan M. Seymour, *The Limited Lifespan of the Bankruptcy Estate: Managing Consumer and Small Business Reorganizations*, 37 EMORY BANKR. DEV. J. 1, 61 n.297 (2020) (noting that “[m]ost debtors do not appear to find these courses helpful”); Daniel Keating, *The Relative Relevance of Bankruptcy: A Response to Professor Martin*, 36 EMORY BANKR. DEV. J. 625, 643 (2020) (stating that “the pre-bankruptcy credit counseling and post-bankruptcy financial management classes required by BAPCPA were cited by many of my respondents from practice as needlessly adding to the time and cost of a typical consumer bankruptcy filing”); Pamela Foohey, *Consumer Bankruptcy Should be Increasingly Irrelevant – Why Isn’t It?*, 36 EMORY BANKR. DEV. J. 653, 664 (2020) (suggesting the “unnecessary paperwork, unproductive credit counseling, and financial education must be eliminated”); American Bankruptcy Institute, FINAL REPORT OF THE ABI COMMISSION ON CONSUMER BANKRUPTCY, at 126 (2017-2019) (concluding that “for chapter 7 debtors, the benefits of the financial management course do not exceed its costs”); A. Mechele Dickerson, *Financial Scarcity and Financial Decision-Making*, 58 ARIZ. L. REV. 137, 170 n. 188 (2016) (noting the “[e]mpirical research indicates that these mandatory debtor education courses are ineffective”); Robert J. Landry, III, *Ten Years After Consumer Bankruptcy Reform in the United States: A Decade of Diminishing Hope and Fairness*, 65 CATH. U. L. REV. 693, 707 (2016) (stating that “debtor education requirements do not seem clearly beneficial” and “as currently implemented are largely a perfunctory procedure to obtain the discharge”); Leslie E. Linfield, *Financial Education: No Debtor Left Behind?*, 30 AM BANKR. INST. J. 24, 72 (April 2011) (suggesting that providers may be motivated by profit); Deborah Thorne and Katherine M. Porter, *Debtors’ Assessments of Bankruptcy Financial Education* University of Iowa Legal Studies Research Paper No. 10-28 (August 6, 2010), available at SSRN: <https://ssrn.com/abstract=1654417>, at 25 (suggesting that there should be a “robust assessment of mandatory financial education”).

suggest that they could be imposed in a way that ensures that more debtors actually complete the courses and therefore get their discharges, either through amendments to the Code or by amendments to the Federal Rules of Bankruptcy Procedure.

In this article I will first review the historical background of the debtor education requirements. Next, I will demonstrate through a survey of individual Chapter 7 and Chapter 13 cases filed in 2019, data evidencing that thousands of debtor discharges are withheld annually solely because of failure to file a certificate evidencing postfiling financial education. In the third section, I propose that, if debtor education is to continue to be a requirement for individual debtors in bankruptcy, Congress should consider amending § 109(h)(1) of the Bankruptcy Code to consolidate the debtor education courses into a single prefiling requirement. In the fourth section, in recognition of the political difficulties in making statutory changes to the Code, I make more modest proposals for changes to administrative procedures and amendments to forms and a rule designed to increase the probability a chapter 7 debtor will complete the financial education requirement and receive his or her discharge.

I. THE REQUIREMENT OF DEBTOR EDUCATION

In the Bankruptcy Reform Act of 1994⁶ Congress established the National Bankruptcy Review Commission to “investigate and study issues and problems relating to title 11.”⁷ The Commission was directed to submit a report to Congress not later than two years after the date of its first meeting containing “its recommendations for such legislative or administrative action as it considers appropriate.”⁸ The report was submitted in 1997.⁹ One of the proposals in the report was the suggestion that “[a]ll debtors in both Chapter 7 and in Chapter 13 should have the opportunity to participate in a financial education program.”¹⁰ However, the Commission declined to recommend mandatory postbankruptcy debtor education programs, which they suggested “may be unduly coercive and difficult to administer” and “might also impose a hardship on a debtor whose job interferes with the class schedule, or who lives in a rural area.”¹¹ But the Commission also expressed support for “other financial education programs that might avert financial crises in the first place.”

⁶ Pub. L. No. 103-394, 108 Stat. 4106 (Oct. 22, 1994).

⁷ *Id.* § 602.

⁸ *Id.* § 608.

⁹ NATIONAL BANKRUPTCY REVIEW COMMISSION FINAL REPORT, BANKRUPTCY: THE NEXT 20 YEARS (Oct. 20, 1997) (Commission Report).

¹⁰ Commission Report, § 1.1.5 at 114.

¹¹ *Id.* at 116.

The first bill to implement the results of the Commission Report was introduced in 1998¹² and included a requirement that the Director of the Executive Office for United States Trustees develop a financial management training curriculum and conduct a test of those materials in three judicial districts for a one-year period.¹³ No other debtor education provisions were included in the bill. But by the time the bill was passed by the House of Representatives, it included an amendment to § 109 precluding an individual from filing for bankruptcy “unless such individual has, during the 90-day period preceding the date of filing of the petition, made a good faith attempt to create a debt repayment plan, through a credit counseling program offered through credit counseling services “approved by the United States trustee or bankruptcy administrator.¹⁴ When the bill passed the Senate,¹⁵ both elements of debtor education that were eventually enacted in BAPCPA were included: an amendment to § 109 to make completion of a credit counseling briefing a requirement for an individual to be eligible for bankruptcy,¹⁶ and amendments to § 727 and § 1328 conditioning discharge on completion of an instructional course concerning personal financial management.¹⁷ Those two provisions remained in some form in all subsequent bills to amend the Code until the enactment of BAPCPA.¹⁸ There is nothing in the legislative history that discusses why the financial management course is required to be taken after the bankruptcy filing, although the Commission Report had noted that some chapter 13 trustees had established (postpetition) financial education programs in their districts¹⁹ and the drafters may have been influenced by those examples. The only reference to the financial management course requirement in the legislative history was a comment in the House Report stating that “[t]he bill also requires debtors, after they have filed for bankruptcy, to participate in financial management instructional courses so they can hopefully avoid future financial distress.”²⁰

As enacted, § 109(h)(1) makes an individual ineligible for bankruptcy “unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved

¹² Consumer Bankruptcy Reform Act of 1998, 105 H.R. 3150 (introduced Feb. 3, 1998).

¹³ *Id.* at § 112.

¹⁴ Bankruptcy Reform Act of 1998, 105 H.R. 3150, § 104(a) (June 10, 1998).

¹⁵ Consumer Bankruptcy Reform Act of 1998, H.R. 3015 (Sept. 23, 1998).

¹⁶ *Id.* at § 321(a).

¹⁷ *Id.* at § 321(b) and (c).

¹⁸ See Bankruptcy Reform Act of 2000, H.R. 844 (Feb. 24, 1999); Bankruptcy Reform Act of 2001, S.420 (Mar. 1, 2001); Bankruptcy Abuse Prevention and Consumer Protection Act of 2002, H.R. 333 (Jan. 31, 2001); Bankruptcy Abuse and Consumer Protection Act of 2003, H.R. 975 (Feb. 27, 2003).

¹⁹ Commission Report, at 115.

²⁰ H.R. REP. NO. 109-31, 109th Cong. 1st Sess., 2-3 (April 8, 2005).

nonprofit budget and credit counseling agency ... an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.”²¹ BAPCPA also added as a new condition to discharge for a debtor under chapter 7 (in § 727(a)(11) or chapter 13 (in § 1328(g)) that the debtor, “after filing the petition,” has completed “an instructional course concerning personal financial management described in section 111,”²² subject to certain exceptions.²³ The newly-enacted § 111 sets out the requirements for approval of a nonprofit budget and credit counseling agency or an instructional course concerning personal financial management by the United States trustee or bankruptcy administrator, and requires the clerk to maintain a publicly available list of those entities.²⁴

The Director of the Executive Office for United States Trustees (EOUST) was directed to “develop a financial management training curriculum and materials that can be used to educate debtors who are individuals on how to better manage their finances” and conduct a test of the effectiveness of those materials in six judicial districts for an eighteen-month period.²⁵ At the end of that period the Director was required to

²¹ *Id.* § 106(a). As originally enacted, § 109(h) required the credit counseling course to be taken during the “180-day period preceding the date of filing of the petition.” 11 U.S.C. § 109(h)(1) (2005). This created uncertainty as to whether a debtor could take the course on the date of the filing or whether a “waiving period” of one day after taking the course before the filing was required. *Compare In re* Francisco, 390 B.R. 700, 702-705 (10th Cir. BAP 2008); *In re* Spears, 355 B.R. 116, 117-8 (Bankr. E.D. Wis. 2006); *In re* Hudson, 352 B.R. 391, 396 (Bankr. D. Md. 2006); *In re* Warren, 339 B.R. 475 (Bankr. E.D. Ark. 2006); *In re* Barbaran, 365 B.R. 333, 334 (Bankr. D.D.C. 2007) (allowing the course to be taken on the date of filing) *with In re* Gossett, 369 B.R. 361, 369 (Bankr. N.D. Ill. 2007); *In re* Cole, 347 B.R. 70, 73 (Bankr. E.D. Tenn. 2006); *In re* Murphy, 342 B.R. 671, 673 (Bankr. D.D.C. 2006); *In re* Mills, 341 B.R. 106, 107 (Bankr. D.D.C. 2006) (requiring the course to be taken at least one day before filing).

Congress resolved the controversy through a technical amendment to § 109(h) in 2010, changing the word “preceding” to “ending on.” Bankruptcy Technical Corrections Act of 2010, Pub. L. 111-327, 124 Stat. 3557, § 2(a)(6)(B) (2010). The amendment was intended to make clear that no waiting period was required (but not to permit the course to be taken after the petition is filed but on the same day). *See In re* Arakuszewski, 550 B.R. 374, 378 (N.D. Ill. 2015); *In re* Sultan, No. 20-12666, 2021 WL 117173, at *3 (Bankr. E.D. Va. Jan. 7, 2021); *In re* Jackson, No. 12-77990, 2012 WL7679562, at *2 (Bankr. N.D. Ga. Dec. 12, 2012); *In re* Lane, No. 12-10718, 2012 WL 1865448, at *4 (Bankr. N.D. Okla. May 22, 2012); *In re* Koo, No. 12-00121, 2012 WL 692578, at *2 (Bankr. D.D.C. Mar. 2, 2012).

²² PUB. L. NO. 109-8, § 106(b)(3) and § 106(c).

²³ The requirement is not applicable to a debtor “who resides in a district for which the United States trustee (or bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional courses under this section.” *Id.* Also excused are persons “described in section 109(h)(4)” which are persons whom the court determines are “unable to complete those requirements because of incapacity, disability or active military duty in a military combat zone.” *Id.* at § 106(a).

²⁴ *Id.* at § 106(d)(1).

²⁵ *Id.* at § 105.

submit a report to Congress containing the findings of the Director regarding “the effectiveness of such curriculum, such materials, and such programs and their costs.”²⁶ The EOUST Report to Congress concluded that almost all the consumer bankruptcy debtors were satisfied with the curriculum and “almost half of the consumer bankruptcy debtors in the pilot study reported their intention to change at least one financial practice.”²⁷ The EOUST then issued regulations that describe the learning materials required to be provided by approved providers, including instruction on budget development, money management, wise use of credit, consumer information, and coping with unexpected financial crises.²⁸

To implement the new provision in § 727(a)(11), interim amendments to the Federal Rules of Bankruptcy Procedure were approved on an expedited basis in 2005²⁹ and subsequently approved for publication for an abbreviated six-month period in 2006. The rules were given final approval by the Committee on Rules of Practice and Procedure in June 2007. Three amendments related to the new condition to discharge for the financial management certificate.³⁰

First, Rule 4004(c) (Grant of Discharge) was modified. That Rule in subdivision (1) directs the court in a chapter 7 case “on expiration of the times fixed for objecting to discharge and for filing a motion to dismiss the case under Rule 1017(e),”³¹ to “forthwith grant the discharge” unless one of the itemized paragraphs is applicable. The amendment added a new paragraph (c)(1)(H) to direct the court not to grant a discharge if “the debtor has not filed with the court a statement of completion of a course concerning personal financial management if required by Rule 1007(b)(7).”³² It should be noted that the Code makes no reference to a statement of completion; it

²⁶ *Id.*

²⁷ U.S. DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES, REPORT TO CONGRESS: EVALUATION OF INSTRUCTIONAL CLASSES IN PERSONAL FINANCIAL MANAGEMENT FOR CONSUMER BANKRUPTCY DEBTORS, at 6 (May 2008).

²⁸ 28 C.F.R. § 58.33(f), 78 FR 16172 (Mar. 14, 2013).

²⁹ Memorandum to Advisory Committee on Bankruptcy Rules from Jeff Morris, Reporter, July 24, 2005, included in Agenda Book, Advisory Committee on Bankruptcy Rules, at 118 (Aug. 3-4, 2005) (“2005 Advisory Committee Agenda Book”), Minutes of Meeting of Advisory Committee on Bankruptcy Rules (August 3-5, 2005) (“2005 Advisory Committee Minutes”).

³⁰ A new Official Form 23 was also issued in 2005 to evidence completion of the required course in personal financial management. See 2005 Advisory Committee Agenda Book at 513. The form now has the designation Official Form 423.

³¹ The time for objecting to discharge under Rule 4004(a) in a chapter 7 case is “no later than 60 days after the first date set for the meeting of creditors under § 341(a).” FED. R. BANKR. P. 4004(a). The same period applies in a chapter 13 case. *Id.* In both cases, the court for cause may extend the time to object to discharge. FED. R. BANKR. P. 4004(b). The period specified in Rule 1017(e) for objecting to discharge or filing a motion to dismiss for abuse is “60 days after the first date set for the meeting of creditors under § 341(a)” unless the court for cause extends the time. FED. R. BANKR. P. 1017(e)(1).

³² 2005 Advisory Committee Agenda Book at 150.

requires only that the debtor have actually completed a postpetition instructional course concerning personal financial management. The requirement of a statement was intended to provide evidence that the statutory test was met.

Second, Rule 1007(b) was amended to change its title from “Schedules and Statements” to “Schedules, Statements, and Other Documents” and, among other changes, to add a new subdivision (b)(7) requiring submission of evidence of completion of the financial management course.³³ The new subdivision read as follows:

“(7) An individual debtor in a chapter 7 or chapter 13 case shall file a statement regarding completion of a course in personal financial management, prepared as prescribed by the appropriate Official Form.”³⁴

Third, in Rule 1007(c) (Time Limits) a new sentence was added to direct that the debtor must file the statement with respect to the financial management course described in Rule 1007(b)(7) “within 45 days after the first date set for the meeting of creditors under § 341 of the Code in a chapter 7 case, and no later than the last payment made by the debtor as required by the plan or the filing of a motion for a discharge under § 1328(b) in a chapter 13 case.”³⁵

At its meeting in September 2006, the Advisory Committee considered whether changes should be made to Rule 1007(c). Concern was expressed that, if a debtor failed to meet the deadline for submitting the certificate, the case would be closed without a discharge and when the debtor then attempts to reopen the case, the court is required to find “cause” to allow the reopening. The reporter suggested including language that would allow reopening without a showing of cause. Other members thought eliminating the deadline would be a better idea. The matter was deferred to the Spring 2007 meeting.³⁶

When the interim rules were published the National Bankruptcy Commission recommended that Rule 1007(b)(7) and the timing rule for complying with that rule in Rule 1007(c) be deleted. The Commission suggested that the burden of objecting to discharge should be placed on the trustee who would have to show that the debtor had not completed the

³³ 2005 Advisory Committee Agenda Book at 129-30, as amended per 2005 Advisory Committee Minutes, at 5-6.

³⁴ After publication the language was modified to begin “An individual debtor in a chapter 7, a chapter 11 in which § 1141(d)(3) applies, or a chapter 13 case.” See Memorandum to Advisory Committee on Bankruptcy Rules from Jeff Morris, Reporter, March 23, 2007, as revised Mar. 26, 2007, included in Agenda Book, Advisory Committee on Bankruptcy Rules, at 481 (March 29-30, 2007).

³⁵ 2005 Advisory Committee Agenda Book at 130-131.

³⁶ Minutes of Meeting of Advisory Committee on Bankruptcy Rules, Sept. 14-15, 2006, at 10.

required course. The Advisory Committee rejected this comment, but decided to consider an amendment to Rule 5009 to require the trustee to provide a notice to a debtor of the need to submit the certificate.

In September 2007, the Advisory Committee on Bankruptcy Rules recommended an amendment to Rule 1007(c) to extend the time period for submission of the statement with respect to completion of the financial management course from 45 days after the first date set for the § 341 meeting to 60 days. The new language in Rule 1007(c) read as follows:

“In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7).”

The changes were intended to “provide additional protection for the discharge of debtors”³⁷ and were coupled with a new Rule 5009(b) which, as amended at the Advisory Committee meeting, provided as follows:

“(b) If an individual debtor in a chapter 7 or 13 case has not filed the statement required by Rule 1007(b)(7) within 45 days after the first date set for the meeting of creditors under § 341, the clerk shall forthwith give the debtor notice that the case may be closed without entry of discharge unless the statement is filed within the applicable time limit under Rule 1007(c).”³⁸

The Committee on Rules of Practice and Procedure approved for publication the amendments to Rule 1007 at its meeting in January 2008,³⁹ and the amendments to Rule 5009 at its meeting in June, 2008. The amended rules were given final approval at its meeting in June 2009.^{40,41} They became effective on Dec. 1, 2010.

³⁷ Memorandum to Advisory Committee on Bankruptcy Rules from Consumer Subcommittee, Agenda Book, Advisory Committee on Bankruptcy Rules, at 57 (Sept. 6-7, 2007).

³⁸ Memorandum to Advisory Committee on Bankruptcy Rules from Jeff Morris, Reporter, Agenda Book, Advisory Committee on Bankruptcy Rules, at 64 (March 27-28, 2008). The proposal also added language to Rule 4004(c) to preclude discharge to a debtor in chapter 13 or an individual debtor in chapter 11 if the debtor has not filed the statement of completion of the personal financial management course. Sept. 2007 Agenda Book, at 56.

³⁹ See Minutes of Meeting of Committee on Rules of Practice and Procedure, Jan. 14-15, 2008, at 8.

⁴⁰ See Minutes of Meeting of Committee on Rules of Practice and Procedure, June 9-10, 2008, at 20.

⁴¹ See Minutes of Meeting of Committee on Rules of Practice and Procedure, June 1-2, 2009, at 10.

In September 2010, the Advisory Committee approved for publication amendments to Rule 1007(b)(7) to relieve the debtor of the obligation of filing a statement of course completion if the course provider has notified the court of the debtor's completion of the course. The amended Rule 1007(b)(7) read as follows:

“(7) Unless an approved provider of an instructional course concerning personal financial management has notified the court that a debtor has completed the course after filing the petition:

(A) An individual debtor in a chapter 7 or chapter 13 case shall file a statement of completion of the course, prepared as prescribed by the appropriate Official Form; and

(B) An individual debtor in a chapter 11 case shall file the statement if § 1141(d)(3) applies.”⁴²

The Advisory Committee subsequently recommended a conforming change to Rule 5009(b) to require the trustee to send a notice only “[i]f an individual debtor in a chapter 7 or 13 case is required to file a statement under Rule 1007(b)(7) and fails to do so” within the 45-day period.⁴³ The Committee on Rules of Practice and Procedure approved the amendments for publication at its June 2011 meeting, and they were given final approval at its June 2012 meeting. The amendments became effective on December 1, 2013.

II. HOW IS THE POSTFILING REQUIREMENT AFFECTING DEBTORS – AN EMPIRICAL STUDY

To ascertain how frequently discharge is withheld from debtors for failure to file a certificate evidencing completion of the course on personal financial management required by § 727(a)(11) I looked at all chapter 7 cases filed in 2019 on the interactive Federal Judicial Center Integrated Database (“IDB”),⁴⁴ for which the debtor disposition or co-debtor disposition was coded “O” meaning “Discharge Withheld for Failure to Submit Certification of Financial Management Course” or “N” meaning “Discharge Withheld for Failure to Submit Certification of Financial Management Course and Pay

⁴² See Memorandum to Advisory Committee on Bankruptcy Rules from Subcommittee on Consumer Issues (Sept. 2, 2019), Agenda Book, Meeting of Advisory Committee on Bankruptcy Rules, at 127 (Sept. 30-Oct. 1, 2010).

⁴³ See Memorandum to Advisory Committee on Bankruptcy Rules from Subcommittee on Consumer Issues (Mar. 4, 2011), Agenda Book, Meeting of Advisory Committee on Bankruptcy Rules, at 95 (April 7-8, 2011).

⁴⁴ The data base is available at <https://www.fjc.gov/research/idb/interactive/21/IDB-bankruptcy>.

Domestic Support Obligation.” What I found was that there were thousands of such cases just in that single year. The numbers for each circuit follow:

Chapter 7 Cases Filed in 2019 for which Discharge was Withheld for Failure to Submit Certification of Financial Management Course (by Circuit)											
D.C.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
11	38	162	346	203	413	1285	1091	421	1283	312	852

But for many debtors the withholding of their discharge is not the end of the story. These numbers include some cases in which the debtor subsequently moved to reopen the case under § 350(b)⁴⁵ and Federal Rule of Bankruptcy Procedure 5010⁴⁶ to provide the certificate late. And some cases in which a discharge is granted after a motion to reopen is filed are not included in these numbers because they may be recoded as “S” (Standard Discharge) in the FJC Interactive Database. I found some of these cases by looking at cases coded as “r” (Reopened), but one must assume that the actual number of cases in which the court withholds discharge for failure to file the certificate may be larger than the numbers shown above because some of the cases in which discharge is ultimately granted are not included.

As a technical matter, when the debtor files a motion to reopen the case in order to file the certificate, the debtor must also request an enlargement of the time for filing the certificate beyond that permitted under Federal Rule of Bankruptcy Procedure 1007(c),⁴⁷ although the rule is rarely mentioned in

⁴⁵ 11 U.S.C. § 350(b) allows a case to be reopened “to administer assets, to accord relief to the debtor, or for other cause.” *Id.* The decision to permit reopening rests with the discretion of the court. *See, e.g.,* Nintendo Co., Ltd. v. Patten (*In re Alpex Computer Corp.*), 71 F.3d 353, 356 (10th Cir. 1995); *In re Shondel*, 950 F.2d 1301, 1304 (7th Cir. 1991); *Citizens Bank & Trust Co. v. Case (In re Case)*, 937 F.2d 1014, 1018 (5th Cir. 1991); *Rosinski v. Boyd (In re Rosinski)*, 759 F.2d 539 540-41 (6th Cir. 1985).

⁴⁶ Under Fed. R. Bankr. P. 5010, a bankruptcy case “may be reopened on motion of the debtor or other party in interest pursuant to § 350(b).” Upon reopening a chapter 7 case, a trustee is not appointed unless the court determines that one is necessary. FED. R. BANKR. P. 5010.

⁴⁷ Fed. R. Bankr. P. 9006(b)(3) states that the “court may enlarge the time to file the statement required under Rule 1007(b)(7) [the evidence of completion of the personal financial management course] ... only to the extent and under the conditions stated in Rule 1007(c).” Rule 1007(c) allows the bankruptcy court “at any time and in its discretion, [to] enlarge the time to file the statement required by subdivision (b)(7).” An extension of time may be granted “only on motion for cause shown and on notice to the United States trustee, ... trustee, examiner, or other part as the court may direct.” FED. R.

the motion to reopen.⁴⁸ Cases are, of course, reopened for many reasons, such as to avoid a lien, file an adversary proceeding, enforce the discharge, file a reaffirmation agreement, amend the schedules, pay (or waive the payment of) filing fees, and redeem property. But since the BAPCPA amendments became effective in 2005, a large number of motions to reopen cases are filed solely in order to file a certificate with respect to a personal financial management course.⁴⁹

Indeed, soon after 2005 one bankruptcy judge in the Eastern District of Virginia became impatient with the motions to reopen and took the position that a motion to reopen the case to file the certificate cannot be granted unless the debtor makes a four-part showing: (1) there is a reasonable explanation for the debtor's failure to comply with the

BANKR. P. 1007(c). There is nothing in the text of Rule 1007(c) that limits the ability of the court to enlarge the time after the original time has expired (60 days after the first date set for the meeting of creditors under § 341, Rule 1007(c)) or after the case has been closed and reopened.

It is rare for a motion to reopen the case to include a request under Fed. R. Bankr. P. 9006(b)(3). Rather the debtor typically simply asks for the case to be reopened so that the debtor can file the certificate.

⁴⁸ The N.D. Okla. bankruptcy court requires that a debtor who files a motion to reopen the case must file a separate motion seeking leave to file the certification out of time. *See, e.g.*, Juliette R. Lee, No. 19-12462 (Bankr. N.D. Okla. Dec. 31, 2019); Mallory S. Bible, No. 19-11843 (Bankr. N.D. Okla. Sept. 3, 2019); Dana Patrick Wheeler, No. 19-11775 (Bankr. N.D. Okla. Aug. 26, 2019); Brian E. Bearden, No. 19-11718 (Bankr. N.D. Okla. Aug. 19, 2019); Mildred L. Hacker, No. 19-11673 (Bankr. N.D. Okla. Aug. 12, 2019); Victor Melendez, No. 19-11674 (Bankr. N.D. Okla. Aug. 12, 2019); Celina Dawn Harvey, No. 19-11222 (Bankr. N.D. Okla. June 13, 2019); Andrew Kyle Thornton and Ashley Nicole Thornton, No. 19-11091 (Bankr. N.D. Okla. May 28, 2019); Gary C. Embry and Nicole L. Embry, No. 19-10931 (Bankr. N.D. Okla. May 3, 2019); Isaias Morales Torres, No. 19-10703 (Bankr. N.D. Okla. Apr. 9, 2019); Angela R. Butler, No. 19-10487 (Bankr. N.D. Okla. Mar. 15, 2019); William Martin Saffell, No. 19-10485 (Bankr. Mar. 15, 2019); Jonathan N. Young and Cassondra L. Young, No. 19-10191 (Bankr. N.D. Okla. Feb. 5, 2019). *But see* Lloyd Noland Colvin and Malissa Lee Colvin, No. 19-12591 (Bankr. N.D. Okla. Dec. 31, 2019); Jerod Harrison Jones, No. 19-12185 (Bankr. N.D. Okla. Oct. 23, 2019); Antha Sue West, No. 19-10902 (Bankr. N.D. Okla. May 1, 2019) (accepting certificate without motion to extend time).

⁴⁹ The motions are so frequent that some districts provide local forms for filing a motion to reopen. *See* Local Bankr. Form 5010-1.1, C.D. Cal. (Motion in a Chapter 7 or 13 Case (1) to Reopen Case and (2) for Extension of Time to File Forms Required for Discharge); Local Bankr. Form EDC 003-020, E.D. Cal. (Motion to Reopen Case); Local Bankr. Rule CSD 1489, S.D. Cal. (Motion to Reopen Case); Local Bankr. Form 5010-1(A), E.D. Okla. (Motion to Reopen Case for the Purpose of [_____]); Local Bankr. Form 1367.92, D. Or. (Debtor's Motion to Reopen Chapter 7 or 13 Case and, if Applicable, to Vacate Dismissal); Local Bankr. Form 5010, D. Nev. (Ex-Parte Motion to Reopen Case for the Issuance of a Discharge). Some also have a standard form of order for the court to enter when granting such a motion. *See, e.g.*, Local Bankr. F. 5010.1 Order, D. Nev. (Order Reopening Case for Issuance of a Discharge); Local Bankr. Form MISC053, W.D. Tenn. (Order Granting Debtor(s) Motion to Reopen for the Limited Purpose of Filing OBF23 combined with Notice of the Entry Thereof); Local Bankr. Form BTXN 196, N.D. Tex. (Order Reopening Chapter 7 Proceeding Pursuant to 11 U.S.C. § 350(b) to Allow Entry of Certificate of Completion of Financial Management Course (Proposed)); Local Bankr. Form, E.D. Tex. (Order Reopening Ch. 13 Case for Completion of Discharge Process); Local Bankr. Forms, Chapter 7 Forms, E.D. Wis. (Order Reopening Case to File Financial Management Cert. and Obtain Discharge); Local Bankr. Form 5010-1.1.Order.Reopen.Cert, C.D. Cal. (Order on Motion in a Chapter 7 or 13 Case (1) to Reopen Case and (2) for Extension of Time to File Forms Required for Discharge).

requirement; (2) counsel must have a reasonable excuse for not following up; (3) granting the motion would not prejudice the creditors; and (4) the request is timely.⁵⁰ The court denied the motions to reopen in virtually all cases, rejecting excuses such as the debtor's ignorance of the requirement and counsel's failure to timely recognize non-compliance.⁵¹

A bankruptcy judge in the Eastern District of Michigan has published 28 opinions since 2017 denying motions to reopen a case for the purpose of filing the financial management certificate.⁵² The court adopted a four-part test which mirrors that of the Eastern District of Virginia in most respects. The four factors are "(1) whether there is a reasonable explanation for the failure to comply; (2) whether the request was timely; (3) whether fault lies with counsel; and (4) whether creditors are prejudiced."⁵³ In each of those opinions the judge went through each of the factors and found no basis for reopening the case. The result in most of the cases can be explained by the

⁵⁰ See, e.g., *In re Villarroel*, No. 07-14084, 2008 WL 2518713 (Bankr. E.D. Va. June 20, 2008); *In re Lemus*, No. 07-12967, 2008 WL 2518712 (Bankr. E.D. Va. June 20, 2008); *In re Kyser*, No. 06-10877, 2008 WL 2074084 (Bankr. E.D. Va. May 14, 2008); *In re Taing*, No. 07-13776, 2008 WL 2074088 (Bankr. E.D. Va. May 14, 2008); *In re Roeung*, No. 07-13778, 2008 WL 2074090 (Bankr. E.D. Va. May 14, 2008); *In re Waters*, No. 07-13154, 2008 WL 2074086 (Bankr. E.D. Va. May 14, 2008); *In re Ritchie*, No. 07-11040, 2008 WL 1986067 (Bankr. E.D. Va. May 7, 2008); *In re Fabel*, No. 07-12664, 2008 WL 1986167 (Bankr. E.D. Va. May 7, 2008); *In re Sharkawai*, No. 07-12954, 2008 WL 1986172 (Bankr. E.D. Va. May 7, 2008); *In re Rodriguez*, No. 07-13577, 2008 WL 1986176 (Bankr. E.D. Va. May 7, 2008); *In re Arana*, No. 07-12948, 2008 WL 1986170 (Bankr. E.D. Va. May 7, 2008); *In re Masud*, No. 07-10767, 2008 WL 1986066 (Bankr. E.D. Va. May 7, 2008).

⁵¹ The court denied the motion in all cases cited in note 50 *supra* but noted that in one of the nine cases on the court's May 13, 2008, docket in which a motion to reopen was filed the debtor claimed to be ill. For that case, the court scheduled an evidentiary hearing. See *Ritchie*.

⁵² See *In re Page*, 637 B.R. 1 (Bankr. E.D. Mich. 2022); *In re Williams*, 636 B.R. 484, 489 (Bankr. E.D. Mich. 2022); *In re Lewis*, 635 B.R. 157 (Bankr. E.D. Mich. 2022); *In re Brown*, 634 B.R. 74 (Bankr. E.D. Mich. 2022) (Erneicia Brown); *In re Motley*, 635 B.R. 150 (Bankr. E.D. Mich. 2022); *In re Rivera*, 628 B.R. 309 (Bankr. E.D. Mich. 2021); *In re Szymanski*, 625 B.R. 875 (Bankr. E.D. Mich. 2021); *In re Hendricks*, 625 B.R. 694 (Bankr. E.D. Mich. 2021); *In re Lemon*, 625 B.R. 47 (Bankr. E.D. Mich. 2021); *In re Smith*, 625 B.R. 41 (Bankr. E.D. Mich. 2021) (Jennifer Smith); *In re Aziz*, 622 B.R. 694 (Bankr. E.D. Mich. 2020); *In re Wilson*, 575 B.R. 783 (Bankr. E.D. Mich. 2017); *In re Smith*, 620 B.R. 888 (Bankr. E.D. Mich. 2020) (Carman Smith); *In re Suell*, 619 B.R. 642 (Bankr. E.D. Mich. 2020); *In re Raza*, 617 B.R. 290 (Bankr. E.D. Mich. 2020); *In re Jackson*, 613 B.R. 113 (Bankr. E.D. Mich. 2020); *In re Locklear*, 613 B.R. 108 (Bankr. E.D. Mich. 2020); *In re Jones*, 611 B.R. 279 (Bankr. E.D. Mich. 2020); *In re Szczepanski*, 596 B.R. 859 (Bankr. E.D. Mich. 2019); *In re Moore*, 591 B.R. 680 (Bankr. E.D. Mich. 2018); *In re Kessler*, 588 B.R. 191 (Bankr. E.D. Mich. 2018); *In re Lockhart*, 582 B.R. 1 (Bankr. E.D. Mich. 2018); *In re Garnett*, 579 B.R. 818 (Bankr. E.D. Mich. 2018); *In re Bragg*, 577 B.R. 265 (Bankr. E.D. Mich. 2017); *In re Sims*, 575 B.R. 789 (Bankr. E.D. Mich. 2017); *In re Rondeau*, 574 B.R. 824 (Bankr. E.D. Mich. 2017); *In re Whitaker*, 574 B.R. 819 (Bankr. E.D. Mich. 2017); *In re Barrett*, 569 B.R. 687 (Bankr. E.D. Mich. 2017). See also *In re Logan*, No. 13-51751, 2021 WL 41326 (Bankr. E.D. Mich. Jan. 5, 2021) (denying motion to reopen after applying the four factors in *Barrett*).

⁵³ See *In re Barrett*, 569 B.R. 687, 690-92 (Bankr. E.D. Mich. 2017).

length of time between the closing of the case and the filing of the motion.⁵⁴ Some judges in other jurisdictions have been equally unsympathetic to motions to reopen filed months and years after the case is closed.⁵⁵

But in most cases the motion to reopen is made within a few days or weeks of the case closing. To get a sense of how often motions to reopen the case for this purpose are filed, I looked for all chapter 7 and chapter 13 cases that were converted to chapter 7 filed in the Sixth Circuit in 2019 in which a motion to reopen was filed between January 1, 2019 and February 28, 2022, for the purpose of filing evidence of completion of the required course in personal financial management after the case was closed with discharge withheld. I chose the Sixth Circuit because it had the most cases filed that year in which discharge was withheld for failure to file the evidence of completion of the financial management course. I found hundreds of cases in which the debtor, having had the case closed and discharge withheld, filed a motion to reopen the case, as shown on the following chart:⁵⁶

⁵⁴ See *Page* (more than nineteen months); *Williams* (20 months); *Lewis* (two years and nine months); *Erneicia Brown* (fifteen months); *Motley* (almost three years); *Rivera* (two years and nine months); *Szymanski* (more than eighteen months); *Lemon* (fifteen months); *Hendricks* (fourteen months); *Jennifer Smith* (almost 17 months); *Aziz* (four years and eight months); *Wilson* (almost fifteen months); *Carman Smith* (two and a half years); *Suell* (almost two years); *Raza* (eleven and a half years); *Jackson* (thirteen months); *Locklear* (nearly twelve months); *Jones* (nineteen months); *Szczepanski* (more than fifteen months); *Moore* (more than ten months); *Kessler* (five years); *Lockhart* (more than one year); *Garnett* (more than five and one half years); *Bragg* (almost eleven months); *Sims* (five years); *Rondeau* (more than three years); *Whitaker* (almost one year); *Barrett* (more than eight years); *Logan* (more than seven years).

⁵⁵ See, e.g., *Smith v. Fitzgerald*, No. 18-01181, 2019 WL 166549 (E.D. Va. Jan. 9, 2019) (affirming denial of motion to reopen filed seven years after case closed); *Patricia Denise Toole*, No. 12-02273 (Bankr. S.D. Miss. July 13, 2021) (Order Denying Motion to Reopen Closed Proceeding, Doc. No. 71, filed June 12, 2019) (ten months after case closed); *Linda Lancellotti*, No. 10-04152 (Bankr. S.D. Miss. Nov. 22, 2010) (Order Denying Motion to Reopen Case, Doc. 65, filed July 2, 2014) (three years after case closed); *In re Chrisman*, No. 09-30662, 2016 WL 4447251 (Bankr. N.D. Ohio Aug. 22, 2016) (seven years after case was closed); *Louis Ruckes, Jr.*, No. 08-02611 (Bankr. S.D. Miss. Sept. 4, 2009) (Order Denying Motion to Reopen Chapter 7 Case, Doc. 79, filed June 17, 2014) (five years after bankruptcy case closed); *In re Heinbuch*, No. 06-60670, 2016 WL 1417913 (Bankr. N.D. Ohio Apr. 7, 2016) (seven years after case was closed); *In re McGuinness*, No. 08-10746, 2015 WL 6395655 (Bankr. D.R.I. Oct. 22, 2015) (more than seven years after case closed); *In re Johnson*, 500 B.R. 594 (Bankr. D. Minn. 2013) (more than four years after case closed). Cf. *In re McKinney*, 590 B.R. 165, 169 (Bankr. D.D.C. 2018) (stating that motion to reopen filed almost three years after case was closed would be denied unless debtor filed amended motion within twenty-one days after order to show excusable neglect; debtor did not file amended motion); *In re Gibbs*, No. 07-34888, 2015 WL 1915522 (Bankr. N.D. Ohio Apr. 24, 2015) (denying motion to waive filing fee for reopening case, and suggesting that motion was likely to be denied on the merits).

⁵⁶ These do not include the many cases in which the case was closed, and the debtor subsequently filed a certificate without seeking to reopen the case and therefore did not receive a discharge. See, e.g., *Ana Rodriguez Lopez Negrete*, No. 19-42683 (Bankr. N.D. Cal. Nov. 25, 2019); *Christie Lee Macaulay*,

Sixth Circuit Cases Filed in 2019 under Chapter 7 or Converted to Chapter 7 in which Debtor Filed Motion to Reopen to Permit Filing of Financial Management Certificate								
E.D. Ky.	W.D. Ky.	E.D. Mich.	W.D. Mich.	N.D. Ohio	S.D. Ohio	E.D. Tenn.	M.D. Tenn.	W.D. Tenn.

No. 19-22166 (Bankr. E.D. Mich. Nov. 7, 2019); Koshi Epps, No. 19-53623 (Bankr. E.D. Mich. Sept. 24, 2019); Denise Tellis, No. 19-42035 (Bankr. N.D. Cal. Sept. 6, 2019); Ralph Nelson Mullens, No. 19-50788 (Bankr. S.D. Tex. Aug. 7, 2019); Jeneen T. Lipford, No. 19-20670 (Bankr. W.D.N.Y. July 3, 2019); Chelsea Boles, No. 19-04187 (Bankr. M.D. Tenn. June 28, 2019); Felipe M. Simpson, No. 19-49648 (Bankr. E.D. Mich. June 28, 2019); Carol L. Taylor, No. 19-10688 (Bankr. S.D. Ga. May 30, 2019); Ronald Moyer and Donna Moyer, No. 19-12820 (Bankr. E.D. Pa. May 1, 2019); Patrice Lynette Goodrich, No. 19-46619 (Bankr. E.D. Mich. Apr. 30, 2019); Mikaela Wilson, No. 19-01628 (Bankr. M.D. Tenn. Mar. 15, 2019); Marla Fooshee, No. 19-10225 (Bankr. N.D. Miss. Jan. 17, 2019).

62 ⁵⁷	72 ⁵⁸	392 ⁵⁹	21 ⁶⁰	80 ⁶¹	74 ⁶²	22 ⁶³	44 ⁶⁴	36 ⁶⁵
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It is interesting to compare these numbers with the numbers of cases filed in the Sixth Circuit for which a discharge was withheld for failure to

⁵⁷ See Monica Renee Lewis, No. 19-52453 (Bankr. E.D. Ky. Dec. 23, 2019); Travis Clark Thornton, No. 19-30552 (Bankr. E.D. Ky. Dec. 23, 2019); Michael McNulty and Dianne McNulty, No. 19-61574 (Bankr. E.D. Ky. Dec. 17, 2019); Paige Poe and Jeremy Michael Poe, No. 19-30520 (Bankr. E.D. Ky. Nov. 25, 2019); Patsy Newman, No. 19-30519 (Bankr. E.D. Ky. Nov. 24, 2019); Tabitha Smith, No. 19-61472 (Bankr. E.D. Ky. Nov. 22, 2019); Morgan Janae Collins, No. 19-70670 (Bankr. E.D. Ky. Nov. 15, 2019); Ryan Christine Worsham, No. 19-52184 (Bankr. E.D. Ky. Nov. 11, 2019); Steven D. James, No. 19-10390 (Bankr. E.D. Ky. Nov. 4, 2019); Susan Carol Feltner-Grigsby, No. 19-61350 (Bankr. E.D. Ky. Oct. 25, 2019); Kenneth Gene Johnson, No. 19-61312 (Bankr. E.D. Ky. Oct. 21, 2019); Ross Michael Helmkamp, No. 19-21304 (Bankr. E.D. Ky. Oct. 20, 2019); Levi Akers and Peggy Akers, No. 19-61296 (Bankr. E.D. Ky. Oct. 16, 2019); Craig D. Howard and Jolinda Howard, No. 19-10359 (Bankr. E.D. Ky. Oct. 15, 2019); Lillie M. Mulkey, No. 19-30436 (Bankr. E.D. Ky. Oct. 4, 2019); Timothy Kyle Deboard, No. 19-70588 (Bankr. E.D. Ky. Oct. 1, 2019); Erin T. Anderson, No. 19-21198 (Bankr. E.D. Ky. Sept. 27, 2019) (Erin Anderson); Cortni A. Troublefield, No. 19-51898 (Bankr. E.D. Ky. Sept. 27, 2019); Michaelle A. Richards, No. 19-21185 (Bankr. E.D. Ky. Sept. 25, 2019); Anthony Paul Lindsey and Kimberly Marie Lindsay, No. 19-21157 (Bankr. E.D. Ky. Sept. 19, 2019); Daniel Robert Pieper, No. 19-21098 (Bankr. E.D. Ky. Aug. 31, 2019); Christopher Charles Duffy, III and Brandy Lynn Duffy, No. 19-10265 (Bankr. E.D. Ky. Aug. 2, 2019); Colin Cook and Jamie L. Cook, No. 19-70476 (Bankr. E.D. Ky. Aug. 1, 2019); William Kyle Andrew Morgan, No. 19-60983 (Bankr. E.D. Ky. July 30, 2019); Darren Sears and Kayla Carroll, No. 19-60969 (Bankr. E.D. Ky. July 26, 2019); Etta M. Lichtenberger, No. 19-20777 (Bankr. E.D. Ky. June 18, 2019); Christine M. Briscoe, No. 19-51187 (Bankr. E.D. Ky. June 14, 2019); James Rose, No. 19-70368 (Bankr. E.D. Ky. June 11, 2019); Dakota G. Cornett, No. 19-70365 (Bankr. E.D. Ky. June 11, 2019); Ronnie R. Roard, No. 19-60755 (Bankr. E.D. Ky. June 7, 2019); Debra McNaughton and Joseph McNaughton, No. 19-60715 (Bankr. E.D. Ky. May 30, 2019); April D. Holbrook, No. 19-70319 (Bankr. E.D. Ky. May 25, 2019); Monty Hopper and Monica Hopper, No. 19-20657 (Bankr. E.D. Ky. May 24, 2019); Freda L. Hylton, No. 19-70311 (Bankr. E.D. Ky. May 23, 2019); Brandon Blevins and Salinda Blevins, No. 19-70292 (Bankr. E.D. Ky. May 17, 2019); Seth Nyland Bates, No. 19-20617 (Bankr. E.D. Ky. May 16, 2019); Kristina Lynn Saunders, No. 19-50952 (Bankr. E.D. Ky. May 10, 2019); Janette M. Suter, No. 19-30212 (Bankr. E.D. Ky. May 9, 2019); Dionne M. Delsignore, No. 19-30203 (Bankr. E.D. Ky. May 7, 2019); Michael David Martinez and Julia Sharon Martinez, No. 19-50847 (Bankr. E.D. Ky. Apr. 29, 2019); Misty Lynn Turner, No. 19-60535 (Bankr. E.D. Ky. Apr. 24, 2019); Klinton Kuetemeyer and Leslie Kuetemeyer, No. 19-20501 (Bankr. E.D. Ky. Apr. 23, 2019); Jonathan Carroll and Kayla Carroll, No. 19-60475 (Bankr. E.D. Ky. Apr. 12, 2019); Corey Keaton Ward and Haleigh Brooke Ward, No. 19-70228 (Bankr. E.D. Ky. Apr. 12, 2019); Gladys Huffman, No. 19-70220 (Bankr. E.D. Ky. Apr. 9, 2019); Clyde Crawford and Hope Crawford, No. 19-20421 (Bankr. E.D. Ky. Apr. 2, 2019); Ricky E. Hunt II and Kristie R. Hunt, No. 19-20394 (Bankr. E.D. Ky. Mar. 29, 2019); Desiree Nicole Lyons, No. 19-20384 (Bankr. E.D. Ky. Mar. 28, 2019); Georgia Douglas, No. 19-60376 (Bankr. E.D. Ky. Mar. 26, 2019); Truda Dee Boggess, No. 19-20352 (Bankr. E.D. Ky. Mar. 22, 2019); John Walter Anthony Lakes, No. 19-30119 (Bankr. E.D. Ky. Mar. 21, 2019); Amanda L. Shutts, No. 19-60308 (Bankr. E.D. Ky. Mar. 13, 2019); Nathan Tyrell Frazier and Melinda Nicole Frazier, No. 19-70117 (Bankr. E.D. Ky. Feb. 27, 2019); Virgil Haycraft, Jr. No. 19-50340 (Bankr. E.D. Ky. Feb. 22, 2019); Michael Mullins, No. 19-50334 (Bankr. E.D. Ky. Feb. 22, 2019); William Robert James Penland and Rebecca Michelle Penland, No. 19-50325 (Bankr. E.D. Ky. Feb. 21, 2019); Justin Sivis, No. 19-50305 (Bankr. E.D. Ky. Feb. 19, 2019); Nicole Ann Mains, No. 19-20162 (Bankr. E.D. Ky. Feb. 8, 2019); Danielle Chanae Byrd, No. 19-50206 (Bankr. E.D. Ky. Feb. 1, 2019); Joetta K. Wilkinson, No. 19-50187

(Bankr. E.D. Ky. Jan. 31, 2019); Christopher Cody Hicks and Melanie Hicks, No. 19-10018 (Bankr. E.D. Ky. Jan. 18, 2019); Monica L. Hines, No. 19-50006 (Bankr. E.D. Ky. Jan. 3, 2019).

⁵⁸ See Chastity Marie Walden, No. 19-11307 (Bankr. W.D. Ky. Dec. 20, 2019) (Chastity Walden); Erica M. Meriwether, No. 19-33991 (Bankr. W.D. Ky. Dec. 20, 2019); Cara Bray, No. 19-33973 (Bankr. W.D. Ky. Dec. 19, 2019); Cierra M. Beard, No. 19-33897 (Bankr. W.D. Ky. Dec. 10, 2019); John William Thurman and Bonita Kay Thurman, No. 19-41042 (Bankr. W.D. Ky. Nov. 27, 2019); David Edward Burns, and Marie Bernadette Burns, No. 19-11223 (Bankr. W.D. Ky. Nov. 22, 2019); David W. Rushing and Holly D. Rushing, No. 19-50789 (Bankr. W.D. Ky. Nov. 8, 2019); Joseph C. Crenshaw, No. 19-33606 (Bankr. W.D. Ky. Nov. 8, 2019); Bradley Anderson, No. 19-33592 (Bankr. W.D. Ky. Nov. 7, 2019); Kristina L. Fugate, No. 19-11171 (Bankr. W.D. Ky. Nov. 6, 2019); Marquis Whitehead, No. 19-33576 (Bankr. W.D. Ky. Nov. 6, 2019); Sabrena Lynn Brasher, No. 19-40933 (Bankr. W.D. Ky. Oct. 25, 2019); Mark William Kaferle, No. 19-50758 (Bankr. W.D. Ky. Oct. 24, 2019); Terry Lee Dean, No. 19-33233 (Bankr. W.D. Ky. Oct. 8, 2019); Ben Edd Larrimore, Jr., No. 19-50710 (Bankr. W.D. Ky. Sept. 30, 2019); Michelle Brooke Peters, No. 19-11026 (Bankr. W.D. Ky. Sept. 30, 2019); Lydonna L. Logsdon, No. 19-33103 (Bankr. W.D. Ky. Sept. 27, 2019); Nancy Diane Jenkins, No. 19-33055 (Bankr. W.D. Ky. Sept. 23, 2019) (Nancy Jenkins); Johnni Cansler and Jason Cansler, No. 19-50678 (Bankr. W.D. Ky. Sept. 19, 2019); Keyoisha Reanea Blewitt, No. 19-10994 (Bankr. W.D. Ky. Sept. 19, 2019); William C. McFadden, No. 19-10936 (Bankr. W.D. Ky. Sept. 4, 2019); Remy Lavon Allen, No. 19-50641 (Bankr. W.D. Ky. Aug. 30, 2019); Eleni Wilson, No. 19-32773 (Bankr. W.D. Ky. Aug. 29, 2019); Yazmenda N. Thompson, No. 19-32734 (Bankr. W.D. Ky. Aug. 27, 2019); Michael A. Livers and Shunita D. Livers, No. 19-32498 (Bankr. W.D. Ky. Aug. 5, 2019); Dennis Theodore Hafner and Teresa Gail Hafner, No. 19-10809 (Bankr. W.D. Ky. Aug. 5, 2019); Bobbi Lee Morgan, No. 19-10784 (Bankr. W.D. Ky. July 31, 2019); Linda Lee Johnson, No. 19-32471 (Bankr. W.D. Ky. July 31, 2019); Carlton E. Page and Crystal L. Page, No. 19-32405 (Bankr. W.D. Ky. July 29, 2019); Joshua Edward Moorehead, No. 19-50551 (Bankr. W.D. Ky. July 26, 2019); Timothy R. Miles, No. 19-32395 (Bankr. W.D. Ky. July 26, 2019); Gary J. Bigler, Jr., No. 19-32351 (Bankr. W.D. Ky. July 24, 2019); Pamela Owsley, No. 19-32248 (Bankr. W.D. Ky. July 18, 2019); Assane Diop, No. 19-32181 (Bankr. W.D. Ky. July 11, 2019); Donald Copas, Jr. and Banda Copas, No. 19-32142 (Bankr. W.D. Ky. July 9, 2019); Michele D. Todd, No. 19-32127 (Bankr. W.D. Ky. July 7, 2019); India S. Johnson, No. 19-40589 (Bankr. W.D. Ky. July 2, 2019); Paula S. Thornton and Marvin D. Thornton, II, No. 19-10623 (Bankr. W.D. Ky. June 21, 2019); Kelly J. Pike, No. 19-31938 (Bankr. W.D. Ky. June 19, 2019); Joao G. Reyes, No. 19-31919 (Bankr. W.D. Ky. June 18, 2019); Jerome E. Bishop III, No. 19-31862 (Bankr. W.D. Ky. June 13, 2019); Yvonne Davenport, No. 19-10560 (Bankr. W.D. Ky. June 7, 2019); Melissa A. Slayton, No. 19-31780 (Bankr. W.D. Ky. June 6, 2019); Thomas Taylor Pound, IV, No. 19-31776 (Bankr. W.D. Ky. June 5, 2019); Mary Alice Singleton Bryant, No. 19-31695 (Bankr. W.D. Ky. May 30, 2019); Ashley Walley, No. 19-50424 (Bankr. W.D. Ky. May 29, 2019); Leisa Summers, No. 19-10509 (Bankr. W.D. Ky. May 29, 2019); Jeffrey L. Young, No. 19-31591 (Bankr. W.D. Ky. May 20, 2019); Kennetha Stallard, No. 19-30746 (Bankr. W.D. Ky. May 13, 2019); Cornell Cain, Jr., No. 19-31491 (Bankr. W.D. Ky. May 9, 2019); Stacy Miller and Jimmy Lee Miller, Jr., No. 19-31461 (Bankr. W.D. Ky. May 7, 2019); Larry Joe King, Jr. and Cecily Kay King, No. 19-40423 (Bankr. W.D. Ky. May 3, 2019); Joshua S. Jones, No. 19-10437 (Bankr. W.D. Ky. May 1, 2019); Michael Carson and Herberta Carson, No. 19-31325 (Bankr. W.D. Ky. Apr. 25, 2019); Tony Scott and Angela Scott, No. 19-10396 (Bankr. W.D. Ky. Apr. 23, 2019); Lauren Ashley Fassold, No. 19-50306 (Bankr. W.D. Ky. Apr. 19, 2019); Tony Dewayne Noles and Karin Michelle Noles, No. 19-50303 (Bankr. W.D. Ky. Apr. 17, 2019); Albert Franklin, No. 19-31112 (Bankr. W.D. Ky. Apr. 15, 2019); Ernest E. Jackson, Jr., No. 19-10340 (Bankr. W.D. Ky. Apr. 10, 2019); Kayla Danielle Sharp, No. 19-50276 (Bankr. W.D. Ky. Apr. 4, 2019); Amanda K. Carter, No. 19-31104 (Bankr. W.D. Ky. Apr. 4, 2019); Jill Heckel, No. 19-50266 (Bankr. W.D. Ky. Mar. 29, 2019); Adrian Misner and Sheila Misner, No. 19-50247 (Bankr. W.D. Ky. Mar. 28, 2019); Nicole Marie Fanase, No. 19-30960 (Bankr. W.D. Ky. Mar. 27, 2019); Michael Johnson and Melissa Johnson, No. 19-30913 (Bankr. Mar. 22, 2019); Frank Scott, No. 19-50204 (Bankr. W.D. Ky. Mar. 19, 2019); Mark B. Poston, No. 19-30813 (Bankr. W.D. Ky. Mar. 15, 2019); Debra L. Adams, No. 19-10189 (Bankr. W.D. Ky. Mar. 2, 2019); Angel Lenette Adams, No. 19-50087 (Bankr. W.D. Ky. Feb. 6, 2019) (Angel

Adams); Mark Enlow Dyer, No. 19-30292 (Bankr. W.D. Ky. Jan. 31, 2019); Kristen Sanderson, No. 19-50029 (Bankr. W.D. Ky. Jan. 21, 2019); James Michael Wells and Rachel Lynn Wells, No. 19-50011 (Bankr. W.D. Ky. Jan. 9, 2019); *cf.* Iris Strong, No. 19-31176 (Bankr. W.D. Ky. Apr. 12, 2019); Earlvin A. Pilgrim, No. 19-30164 (Bankr. W.D. Ky. Jan. 18, 2019) (requested reopening to obtain waiver from filing certificate).

⁵⁹ See Briana Thorpe, No. 19-58166 (Bankr. E.D. Mich. Dec. 31, 2019); Eelia Reed-Horn, No. 19-58105 (Bankr. E.D. Mich. Dec. 30, 2019); Keisha Marie Jones, No. 19-58113 (Bankr. E.D. Mich. Dec. 30, 2019) (Keisha Jones); Duwan Beavers and Kren Beavers, No. 19-58015 (Bankr. E.D. Mich. Dec. 27, 2019); Marcia A. Johnson, No. 19-22472 (Bankr. E.D. Mich. Dec. 27, 2019); Christina Marie Werth, No. 19-57976 (Bankr. E.D. Mich. Dec. 26, 2019); George E. Armstrong and Loretta G. Armstrong, No. 19-57924 (Bankr. E.D. Mich. Dec. 23, 2019); Darne Antoine Lyons, No. 19-57876 (Bankr. E.D. Mich. Dec. 22, 2019); Stefany L. Wells, No. 19-57826 (Bankr. E.D. Mich. Dec. 20, 2019); Nicholas J. Washburn, No. 19-57753 (Bankr. E.D. Mich. Dec. 19, 2019); Jorge Guerra, No. 19-57692 (Bankr. E.D. Mich. Dec. 18, 2019); Jerald J. Walker, No. 19-57716 (Bankr. E.D. Mich. Dec. 18, 2019); Chavon Larie Odums, No. 19-57542 (Bankr. E.D. Mich. Dec. 16, 2019); Maliaka Jones, No. 19-57360 (Bankr. E.D. Mich. Dec. 13, 2019) (Maliaka Jones); Jelani Swift, No. 19-57345 (Bankr. E.D. Mich. Dec. 11, 2019); Napoleon Laurice Keen, No. 19-57298 (Bankr. E.D. Mich. Dec. 10, 2019); Krysten K.E. Jones, No. 19-57284 (Bankr. E.D. Mich. Dec. 10, 2019) (Krysten Jones); Juanita K. Riddles, No. 19-57198 (Bankr. E.D. Mich. Dec. 9, 2019); Kendralia Sweeney, No. 19-32885 (Bankr. E.D. Mich. Dec. 9, 2019); Latoya Lashun Brooks, No. 19-22362 (Bankr. E.D. Mich. Dec. 8, 2019); Tasha Robinson, No. 19-57145 (Bankr. E.D. Mich. Dec. 6, 2019); David Reynolds, No. 19-57037 (Bankr. E.D. Mich. Dec. 4, 2019); Christopher T. Davis, No. 19-57026 (Bankr. E.D. Mich. Dec. 4, 2019); Gerald Valdes-Melendez, No. 19-56891 (Bankr. E.D. Mich. Dec. 2, 2019); Jeremy Ross, No. 19-56768 (Bankr. E.D. Mich. Nov. 27, 2019) (Jeremy Ross); Christopher M. Brockman, No. 19-56783 (Bankr. E.D. Mich. Nov. 27, 2019); William Allen, Jr. and Jackie Clair Bland, No. 19-22280 (Bankr. E.D. Mich. Nov. 25, 2019); Jeffrey M. Loiselle, No. 19-32783 (Bankr. E.D. Mich. Nov. 25, 2019); Laportia Brooks, No. 19-56647 (Bankr. E.D. Mich. Nov. 25, 2019) (Laportia Brooks); William Rorex, No. 19-56578 (Bankr. E.D. Mich. Nov. 22, 2019); Nora Jaafar, No. 19-56526 (Bankr. E.D. Mich. Nov. 21, 2019); Christopher Roach and April Marbais, No. 19-56469 (Bankr. E.D. Mich. Nov. 20, 2019); Cortina Louise Thomas, No. 19-56367 (Bankr. E.D. Mich. Nov. 19, 2019) (Cortina Thomas); Shakilya C. Green, No. 19-22231 (Bankr. E.D. Mich. Nov. 18, 2019); Dragoslav Trpevski, No. 19-56312 (Bankr. E.D. Mich. Nov. 18, 2019); Niaja D. De'Boest, No. 19-56256 (Bankr. E.D. Mich. Nov. 18, 2019); Robin Christopher Bennett, No. 19-56237 (Bankr. E.D. Mich. Nov. 16, 2019); Michael Selva, Jr., No. 19-32706 (Bankr. E.D. Mich. Nov. 14, 2019); MD Hussain Ahmed, No. 19-56162 (Bankr. E.D. Mich. Nov. 14, 2019); Sacherus Potaski McCuien, Jr., No. 19-56087 (Bankr. E.D. Mich. Nov. 13, 2019); Eric Anderson, No. 19-56066 (Bankr. E.D. Mich. Nov. 13, 2019) (Eric Anderson); Diana Gail Loudenslager, No. 19-22189 (Bankr. E.D. Mich. Nov. 13, 2019); Donald Spraggins and Karri Spraggins, No. 19-55865 (Bankr. E.D. Mich. Nov. 7, 2019); LaShay Donnetta Byars-Biles, No. 19-55863 (Bankr. E.D. Mich. Nov. 7, 2019); Ineka Arington, No. 19-55774 (Bankr. E.D. Mich. Nov. 6, 2019); Megan Redmond-Magyar, No. 19-32640 (Bankr. E.D. Mich. Nov. 6, 2019); Kawan Womble, No. 19-55808 (Bankr. E.D. Mich. Nov. 6, 2019); Ophelia Wesby, No. 19-55653 (Bankr. E.D. Mich. Nov. 4, 2019); Bryan Lee Robinson, No. 19-55630 (Bankr. E.D. Mich. Nov. 4, 2019) (Bryan Robinson); Heather Marie Soria and Claude Harold Welch III, No. 19-22139 (Bankr. E.D. Mich. Nov. 1, 2019); James Igaz, No. 19-22144 (Bankr. E.D. Mich. Nov. 1, 2019); Bradley S. Davis and Michele A. Davis, No. 19-22131 (Bankr. E.D. Mich. Oct. 31, 2019); Colette Moten, No. 19-32573 (Bankr. E.D. Mich. Oct. 29, 2019); Latonya Y. Smith, No. 19-32577 (Bankr. E.D. Mich. Oct. 29, 2019); Windy Hoskins and Jason Little, No. 19-55298 (Bankr. E.D. Mich. Oct. 28, 2019); Faith Ann Williams, No. 19-55271 (Bankr. E.D. Mich. Oct. 28, 2019); Maribel Vasquez, No. 19-22075 (Bankr. E.D. Mich. Oct. 24, 2019); Tamika Genus, No. 19-55105 (Bankr. E.D. Mich. Oct. 24, 2019); Emily McGhee, No. 19-55053 (Bankr. E.D. Mich. Oct. 23, 2019); William E. Owens and Pamela F. Owens, No. 19-55028 (Bankr. E.D. Mich. Oct. 23, 2019); Jakhalia Taylor, No. 19-22062 (Bankr. E.D. Mich. Oct. 22, 2019); Marcia Franklin, No. 19-54983 (Bankr. E.D. Mich. Oct. 22, 2019) (Marcia Franklin); Shamera McKaye, No. 19-54960 (Bankr. E.D. Mich. Oct. 22, 2019); Tangie Brooks, No. 19-54947 (Bankr. E.D. Mich. Oct. 21, 2019);

Tanesha M. Allen, No. 54924 (Bankr. E.D. Mich. Oct. 21, 2019) (Tanesha Allen); Todd Davis and Karyn Davis, No. 19-54913 (Bankr. E.D. Mich. Oct. 21, 2019); Shakira Felton, No. 19-54853 (Bankr. E.D. Mich. Oct. 18, 2019); Treanna Montgomery, No. 19-54794 (Bankr. E.D. Mich. Oct. 17, 2019); Kimberly King, No. 19-54784 (Bankr. E.D. Mich. Oct. 17, 2019) (Kimberly King); Brandi L. Hardiman, No. 19-54773 (Bankr. E.D. Mich. Oct. 17, 2019); Kimberly Sims, No. 19-32470 (Bankr. E.D. Mich. Oct. 15, 2019) (Kimberly Sims); Briona Johnson, No. 19-54603 (Bankr. E.D. Mich. Oct. 14, 2019) (Briona Johnson); Courtney Shante Alveta Richards, No. 19-54484 (Bankr. E.D. Mich. Oct. 11, 2019); Lashawn Clanton, No. 19-54520 (Bankr. E.D. Mich. Oct. 11, 2019); Kelly Renee Lewis, No. 19-21973 (Bankr. E.D. Mich. Oct. 10, 2019) (Kelly Lewis); Karen Goings, No. 19-54365 (Bankr. E.D. Mich. Oct. 9, 2019); Tiffany Raymond, No. 19-54395 (Bankr. E.D. Mich. Oct. 9, 2019); Kateisha Kaquanna Mason, No. 19-54281 (Bankr. E.D. Mich. Oct. 7, 2019); Jenel Kauffman, No. 19-54264 (Bankr. E.D. Mich. Oct. 7, 2019); Ebony Gates, No. 19-54145 (Bankr. E.D. Mich. Oct. 4, 2019); Angeanette Ettinger, No. 19-54125 (Bankr. E.D. Mich. Oct. 3, 2019); Starr Hewin-Weaver, No. 19-54135 (Bankr. E.D. Mich. Oct. 3, 2019); Lisa E. Yates, No. 19-53985 (Bankr. E.D. Mich. Oct. 1, 2019) (Lisa Yates); Ronald Eugene Blunt Jr. and Megan M. Blunt, No. 19-21913 (Bankr. E.D. Mich. Sept. 30, 2019); Mary Horride-Brown, No. 19-53805 (Bankr. E.D. Mich. Sept. 27, 2019); Mikeya Bailey, No. 19-53803 (Bankr. E.D. Mich. Sept. 27, 2019) (Mikeya Bailey); Darrius Jerod Smith, No. 19-53747 (Bankr. E.D. Mich. Sept. 26, 2019) (Darrius Smith); Gary Alden Eastwood, No. 19-32310 (Bankr. E.D. Mich. Sept. 26, 2019); Athan Velentzas, No. 19-53667 (Bankr. E.D. Mich. Sept. 25, 2019); Bridget N. Sherman, No. 19-53530 (Bankr. E.D. Mich. Sept. 21, 2019); Dexter Gordon Marshall, No. 19-53503 (Bankr. E.D. Mich. Sept. 20, 2019); Brent Martell, No. 19-53462 (Bankr. E.D. Mich. Sept. 19, 2019); De'Eric Williams, No. 19-21842 (Bankr. E.D. Mich. Sept. 19, 2019) (De'Eric Williams); Patricia Tabb, No. 19-53344 (Bankr. E.D. Mich. Sept. 18, 2019); Kale Audrey Farmer, No. 19-53264 (Bankr. E.D. Mich. Sept. 17, 2019); Charlene M. Smith, No. 19-32204 (Bankr. E.D. Mich. Sept. 16, 2019); Angel Walden, No. 19-53189 (Bankr. E.D. Mich. Sept. 16, 2019); Leah Whitehead, No. 19-53223 (Bankr. E.D. Mich. Sept. 16, 2019); Tammie Jean Gerdau, No. 19-21807 (Bankr. E.D. Mich. Sept. 16, 2019); Karena A. Jordan, No. 19-53173 (Bankr. E.D. Mich. Sept. 14, 2019) (Karena Jordan); Elizabeth Tanksley, No. 19-53099 (Bankr. E.D. Mich. Sept. 13, 2019); Joseph M. Lepior and Heather R. Lepior, No. 19-32175 (Bankr. E.D. Mich. Sept. 12, 2019); Jessica I. Byrd, No. 19-32170 (Bankr. E.D. Mich. Sept. 11, 2019); Kyle Newman and Brittany Newman, No. 19-32146 (Bankr. E.D. Mich. Sept. 10, 2019); Clara Tillman, No. 19-32133 (Bankr. E.D. Mich. Sept. 9, 2019); Shavon Devine Williams, No. 19-52896 (Bankr. E.D. Mich. Sept. 9, 2019) (Shavon Williams); John Heard, No. 19-52840 (Bankr. E.D. Mich. Sept. 6, 2019); Gwendolyn Parker, No. 19-52798 (Bankr. E.D. Mich. Sept. 6, 2019); Antony Irby and Georisha Irby, No. 19-52727 (Bankr. E.D. Mich. Sept. 5, 2019); Alston Weathers, No. 19-52717 (Bankr. E.D. Mich. Sept. 5, 2019); Rami Alachkar, No. 19-52642 (Bankr. E.D. Mich. Sept. 3, 2019); Taneika Joyner, No. 19-52644 (Bankr. E.D. Mich. Sept. 3, 2019) (Taneika Joyner); Christopher Havens, No. 19-21723 (Bankr. E.D. Mich. Aug. 30, 2019); Tacara Arcola Cooks, No. 19-52421 (Bankr. E.D. Mich. Aug. 29, 2019); Aisha Monique-Dooring Tyler, No. 19-52434 (Bankr. E.D. Mich. Aug. 29, 2019); Richard Michael Kemsuzian and Linda Marie Kemsuzian, No. 19-52452 (Bankr. E.D. Mich. Aug. 29, 2019); Kathlene Lee Pope, No. 19-52368 (Bankr. E.D. Mich. Aug. 28, 2019); James Isaac Wilson and Kirbii Shabazz Wilson, No. 19-52331 (Bankr. E.D. Mich. Aug. 27, 2019); Alisha Monae Colley, No. 19-52213 (Bankr. E.D. Mich. Aug. 26, 2019); Kimberly Yolanda Seaberry, No. 19-52162 (Bankr. E.D. Mich. Aug. 23, 2019); Clara Balfour, No. 19-32026 (Bankr. E.D. Mich. Aug. 23, 2019); Lance Pfeifer, No. 19-51795 (Bankr. E.D. Mich. Aug. 15, 2019); Karen Jaketa Burnett, No. 19-51797 (Bankr. E.D. Mich. Aug. 15, 2019); Gregory Henry Johnson, No. 19-51738 (Bankr. E.D. Mich. Aug. 14, 2019); Keith Richard Dettloff, No. 19-51739 (Bankr. E.D. Mich. Aug. 14, 2019); Ebone Williams, No. 19-51733 (Bankr. E.D. Mich. Aug. 14, 2019) (Ebone Williams); Samirra Talitha Sellers, No. 19-51654 (Bankr. E.D. Mich. Aug. 13, 2019); Damien Evans, No. 19-51602 (Bankr. E.D. Mich. Aug. 12, 2019) (Damien Evans); Thomas Allen Hadfield, No. 19-31912 (Bankr. E.D. Mich. Aug. 9, 2019); Marquonette Williams, No. 19-51550 (Bankr. E.D. Mich. Aug. 9, 2019) (Marquonette Williams); Jacob A. Hill and Mandi N. Hill, No. 19-51446 (Bankr. E.D. Mich. Aug. 8, 2019) (Jacob Hill); Aliza Michelle Johnson, No. 19-51425 (Bankr. E.D. Mich. Aug. 7, 2019) (Aliza Johnson); Karl Montize Tucker, No. 19-51363 (Bankr. E.D. Mich. Aug. 6, 2019) (Karl Tucker); Ka'lyn Smith, No. 19-21558

(Bankr. E.D. Mich. Aug. 5, 2019) (Ka'lyn Smith); Ryan J. Walters, No. 19-21536 (Bankr. E.D. Mich. Aug. 2, 2019); Michael Martin, No. 19-51220 (Bankr. E.D. Mich. Aug. 2, 2019) (Michael Martin); Lisa Williams, No. 19-51168 (Bankr. E.D. Mich. Aug. 2, 2019) (Lisa Williams); Charlie R. Harvey III, No. 19-31818 (Bankr. E.D. Mich. July 31, 2019); Rebecca M. Docherty and Mary M. Docherty, No. 19-51100 (Bankr. E.D. Mich. July 31, 2019); Gerald Martinez, No. 19-51030 (Bankr. E.D. Mich. July 31, 2019); Delani Richardson, No. 19-31790 (Bankr. E.D. Mich. July 29, 2019) (Delani Richardson); Brittany Andrea Brown, No. 19-50919 (Bankr. E.D. Mich. July 29, 2019) (Brittany Brown); Robert James Bradley II, No. 19-50842 (Bankr. E.D. Mich. July 26, 2019) (Robert Bradley); Eric W. Evans, No. 19-31767 (Bankr. E.D. Mich. July 26, 2019); Juan Emilio Elizando, No. 19-50857 (Bankr. E.D. Mich. July 26, 2019); Ronniel Marcel Stringer, No. 19-50776 (Bankr. E.D. Mich. July 25, 2019); Charles R. Torres and Kamitra D. Torres, No. 19-50765 (Bankr. E.D. Mich. July 25, 2019); Charles T. Smith, No. 19-50664 (Bankr. E.D. Mich. July 23, 2019) (Charles Smith); James E. Sonberger, No. 19-50689 (Bankr. E.D. Mich. July 23, 2019); Kerry Hitchcock, No. 19-31738 (Bankr. E.D. Mich. July 23, 2019); Susan Clements, No. 19-50599 (Bankr. E.D. Mich. July 20, 2019); Charnell Hines, No. 19-21443 (Bankr. E.D. Mich. July 19, 2019); Melva Yolanda Barnes, No. 19-50530 (Bankr. E.D. Mich. July 19, 2019); Karl D. Finley, No. 19-50550 (Bankr. E.D. Mich. July 19, 2019); Anes Jakupovic, No. 19-50488 (Bankr. E.D. Mich. July 18, 2019); Apryl Davis, No. 19-50395 (Bankr. E.D. Mich. July 17, 2019) (Apryl Davis); Gordon Blackwell, No. 19-50259 (Bankr. E.D. Mich. July 15, 2019); Niki V. Moore, No. 19-50282 (Bankr. E.D. Mich. July 15, 2019) (Niki Moore); Antuwn Shorter, No. 19-50296 (Bankr. E.D. Mich. July 15, 2019); Sherry Taylor, No. 19-50194 (Bankr. E.D. Mich. July 12, 2019) (Sherry Taylor); James Anderson, No. 19-50157 (Bankr. E.D. Mich. July 11, 2019); Colleen A. Phillips, No. 19-50123 (Bankr. E.D. Mich. July 11, 2019); Martina Baldwin, No. 19-50114 (Bankr. E.D. Mich. July 11, 2019); Veronica Whitsett, No. 19-50109 (Bankr. E.D. Mich. July 11, 2019); John Sporer, No. 19-50132 (Bankr. E.D. Mich. July 11, 2019); Britney Hastey, No. 19-49929 (Bankr. E.D. Mich. July 8, 2019); Paul Krieger, No. 19-49954 (Bankr. E.D. Mich. July 8, 2019); Teresa Layton, No. 19-49915 (Bankr. E.D. Mich. July 5, 2019); Allen Kenyatta, No. 19-49833 (Bankr. E.D. Mich. July 3, 2019); Shadonna Anderson, No. 19-49837 (Bankr. E.D. Mich. July 3, 2019) (Shadonna Anderson); Modupe Iyabode Nuga, No. 19-49796 (Bankr. E.D. Mich. July 2, 2019); Taquila Weeks, No. 19-49774 (Bankr. E.D. Mich. July 2, 2019); LaToya Bradley, No. 19-31590 (Bankr. E.D. Mich. July 1, 2019) (LaToya Bradley); Seafred Robinson, No. 19-49666 (Bankr. E.D. Mich. June 30, 2019) (Seafred Robinson); Andre Clarks, No. 19-49645 (Bankr. E.D. Mich. June 28, 2019); Willie Moncrief and Tahara Moncrief, No. 19-49598 (Bankr. E.D. Mich. June 28, 2019); Shellie Marie Battleshaw, No. 19-21340 (Bankr. E.D. Mich. June 28, 2019); Ronald James Babcock, No. 19-31582 (Bankr. E.D. Mich. June 28, 2019); Terania Lett, No. 19-49621 (Bankr. E.D. Mich. June 28, 2019); Rochelle Lawson, No. 19-49524 (Bankr. E.D. Mich. June 27, 2019); William Hibner and Rachel Hibner, No. 19-21323 (Bankr. E.D. Mich. June 27, 2019); Carol Ann Novak, No. 19-31551 (Bankr. E.D. Mich. June 27, 2019); Mohamad Sami Kobeissi, No. 19-49431 (Bankr. E.D. Mich. June 25, 2019); Tamara Martin, No. 19-49308 (Bankr. E.D. Mich. June 24, 2019) (Tamara Martin); Gwendolyn Howell, No. 19-49342 (Bankr. E.D. Mich. June 24, 2019); Marcus Laster, No. 19-49236 (Bankr. E.D. Mich. June 20, 2019); Cornelia Nicole Wiley, No. 19-49226 (Bankr. E.D. Mich. June 20, 2019); Xavier C. McCree, No. 19-49242 (Bankr. E.D. Mich. June 20, 2019); Crystall Ni'cole Eckel, No. 19-31488 (Bankr. E.D. Mich. June 19, 2019); Houston Harris, No. 19-31474 (Bankr. E.D. Mich. June 18, 2019); Jeremy W. Shipley, No. 19-49120 (Bankr. E.D. Mich. June 18, 2019); Raquel J. Dennis, No. 19-49061 (Bankr. E.D. Mich. June 18, 2019); Juanaye Deloach, No. 19-48946 (Bankr. E.D. Mich. June 17, 2019); Hafez Hammoud, No. 19-48820 (Bankr. E.D. Mich. June 13, 2019); William Earl Trombley, II, No. 19-21213 (Bankr. E.D. Mich. June 13, 2019); Carla Janese Walker, No. 19-48804 (Bankr. E.D. Mich. June 12, 2019) (Carla Walker); Edward A. Hart, No. 19-48770 (Bankr. E.D. Mich. June 12, 2019); Jennifer L. Smith, No. 19-48720 (Bankr. E.D. Mich. June 11, 2019); Terence Green, No. 19-48697 (Bankr. E.D. Mich. June 11, 2019) (Terence Green); John Thomas Szymanski, No. 19-48727 (Bankr. E.D. Mich. June 11, 2019); Shirley Henderson, No. 19-48691 (Bankr. E.D. Mich. June 11, 2019); Lisa Meeks, No. 19-31405 (Bankr. E.D. Mich. June 10, 2019); Kenzie R. Current, No. 19-48626 (Bankr. E.D. Mich. June 10, 2019); Althea Quinn, No. 19-48683 (Bankr. E.D. Mich. June 10, 2019); Yvonne Lacrosse, No. 19-48610 (Bankr. E.D. Mich. June 7, 2019); Elaine Roberson-Lyons, No. 19-48487

(Bankr. E.D. Mich. June 6, 2019); Tracie R. Cleveland, No. 19-48498 (Bankr. E.D. Mich. June 6, 2019); Victorya Sharese Lyons, No. 19-31366 (Bankr. E.D. Mich. June 5, 2019) (Victorya Lyons); Cynthia Dianne Gilliam, No. 19-48332 (Bankr. E.D. Mich. June 4, 2019); Ashley Marie Lintez, No. 19-48368 (Bankr. E.D. Mich. June 4, 2019); Ebony Abrams, No. 19-48308 (Bankr. E.D. Mich. June 3, 2019); Stacie Ann Lees, No. 19-48242 (Bankr. E.D. Mich. May 31, 2019); Marsha Jenkins, No. 19-48162 (Bankr. E.D. Mich. May 31, 2019) (Marsha Jenkins); A.C. Cook, Jr., No. 19-48154 (Bankr. E.D. Mich. May 31, 2019); Alexis Turner, No. 19-48132 (Bankr. E.D. Mich. May 30, 2019); Marena Manning, No. 19-48100 (Bankr. E.D. Mich. May 30, 2019); Anthony G. Webster, No. 19-48102 (Bankr. E.D. Mich. May 30, 2019); Nathaniel Rush, III, No. 19-48123 (Bankr. E.D. Mich. May 30, 2019); Chelsea Orrell, No. 19-48051 (Bankr. E.D. Mich. May 29, 2019); Robin Bencheck, No. 19-31317 (Bankr. E.D. Mich. May 29, 2019); Tanneshia Abdullah-Buchanan, No. 19-48005 (Bankr. E.D. Mich. May 29, 2019); Larry McKinney, No. 19-47951 (Bankr. E.D. Mich. May 28, 2019); Devone Sain, No. 19-47933 (Bankr. E.D. Mich. May 28, 2019); Erneicia Brown, No. 19-47989 (Bankr. E.D. Mich. May 28, 2019); Latrisha Poellnitz, No. 19-47950 (Bankr. E.D. Mich. May 28, 2019); Anquinette Rollins, No. 19-47864 (Bankr. E.D. Mich. May 24, 2019); Tamica Gray, No. 19-47871 (Bankr. E.D. Mich. May 24, 2019); Larry J. Griffin, No. 19-47857 (Bankr. E.D. Mich. May 24, 2019); Dawn Thompson, No. 19-21109 (Bankr. E.D. Mich. May 24, 2019); Sheryll Henson, No. 19-47868 (Bankr. E.D. Mich. May 24, 2019); Corey Malone, No. 19-21094 (Bankr. E.D. Mich. May 23, 2019); Jennifer Grasl, No. 19-47779 (Bankr. E.D. Mich. May 23, 2019); Ted Chester Lezotte and Lynette Marie Lezotte, No. 19-21083 (Bankr. E.D. Mich. May 22, 2019); Juan Hernandez, No. 19-31275 (Bankr. E.D. Mich. May 22, 2019); Ansheree Hughes, No. 19-47735 (Bankr. E.D. Mich. May 22, 2019) (Ansheree Hughes); Daniel I. Henderson, No. 19-46736 (Bankr. E.D. Mich. May 21, 2019) (Daniel Henderson); Maureen Ellen Skornia, No. 19-21058 (Bankr. E.D. Mich. May 21, 2019); Travis Wylie, No. 19-47588 (Bankr. E.D. Mich. May 20, 2019); Alex A. Burgos, No. 19-47475 (Bankr. E.D. Mich. May 16, 2019); Rose Anne Frost, No. 19-21027 (Bankr. E.D. Mich. May 16, 2019); Ricardo Jones, No. 19-47387 (Bankr. E. D. Mich. May 15, 2019); Jeffrey Duncan, No. 19-47426 (Bankr. E.D. Mich. May 15, 2019); Rakela Walker, No. 19-47249 (Bankr. E.D. Mich. May 11, 2019) (Rakela Walker); Nicole Pearson, No. 19-47234 (Bankr. E.D. Mich. May 10, 2019); Sabrina Lane, No. 19-31177 (Bankr. E.D. Mich. May 9, 2019); Ruby L. Johnson, No. 19-47160 (Bankr. E.D. Mich. May 9, 2019) (Ruby Johnson); Darcie Kangas, No. 19-47072 (Bankr. E.D. Mich. May 9, 2019); Annette L. Fluellen, No. 19-20965 (Bankr. E.D. Mich. May 8, 2019); Volodymyr Volchanin, No. 19-46950 (Bankr. E.D. Mich. May 7, 2019); Garielle Lemon, No. 19-46937 (Bankr. E.D. Mich. May 7, 2019); Kenneth D. Suggs, No. 19-46913 (Bankr. E.D. Mich. May 6, 2019); Tamarla T. Owens, No. 19-31134 (Bankr. E.D. Mich. May 6, 2019) (Tamarla Owens); Jerry M. Jordan, No. 19-46887 (Bankr. E.D. Mich. May 6, 2019) (Jerry Jordan); Brandon L. Mattison, No. 19-46834 (Bankr. E.D. Mich. May 3, 2019); Sonya Glass, No. 19-446784 (Bankr. E.D. Mich. May 3, 2019); Melissa Adams, No. 19-31105 (Bankr. E.D. Mich. May 1, 2019); Jonathan Paul-Kief Maas and Heide M. Maas, No. 19-46674 (Bankr. E.D. Mich. May 1, 2019); Dejanai Jones, No. 19-46575 (Bankr. E.D. Mich. Apr. 30, 2019) (Dejanai Jones); Julius L. Ward, No. 19-46547 (Bankr. E.D. Mich. Apr. 30, 2019); Eduardo Olivera, No. 19-46537 (Bankr. E.D. Mich. Apr. 30, 2019); Amanda Mclean, No. 19-31067 (Bankr. E.D. Mich. Apr. 29, 2019); Treye L. Jones, No. 19-46427 (Bankr. E.D. Mich. Apr. 27, 2019) (Treye Jones); William Marshall, No. 19-31051 (Bankr. E.D. Mich. Apr. 26, 2019) (William Marshall); Shauna Louise Santoro, No. 19-46362 (Bankr. E.D. Mich. Apr. 26, 2019); Deandrea A. Smith, No. 19-46266 (Bankr. E.D. Mich. Apr. 24, 2019) (Deandrea Smith); Chantiaria Williams, No. 19-46217 (Bankr. E.D. Mich. Apr. 24, 2019); Keneisha Howard, No. 19-46136 (Bankr. E.D. Mich. Apr. 23, 2019) (Keneisha Howard); Tevin Dixon, No. 19-46187 (Bankr. E.D. Mich. Apr. 23, 2019); Brandy D. Winborn, No. 19-30997 (Bankr. E.D. Mich. Apr. 22, 2019); Erica Gregory, No. 19-46073 (Bankr. E.D. Mich. Apr. 22, 2019); Orlando Roosevelt Hernton, III, No. 19-46011 (Bankr. E.D. Mich. Apr. 19, 2019); Sabrina Starr McQueen, No. 19-46029 (Bankr. E.D. Mich. Apr. 19, 2019); Sheila K. Hall, No. 19-45965 (Bankr. E.D. Mich. Apr. 18, 2019); Charles L. Estes, Jr., No. 19-45887 (Bankr. E.D. Mich. Apr. 17, 2019); Brandan Allen, No. 19-45770 (Bankr. E.D. Mich. Apr. 16, 2019); Delana Smith, No. 19-20804 (Bankr. E.D. Mich. Apr. 16, 2019); Chanel Marie Black, No. 19-45697 (Bankr. E.D. Mich. Apr. 15, 2019); Anthony Frank and Carmen Frank, No. 19-45523 (Bankr. E.D. Mich. Apr. 11, 2019); Heather Wilkie, No. 19-30920 (Bankr.

E.D. Mich. Apr. 11, 2019); Torres J. Byrd, Jr., No. 19-45567 (Bankr. E.D. Mich. Apr. 11, 2019); Tarrah Craig, No. 19-45468 (Bankr. E.D. Mich. Apr. 10, 2019); Branon Barber, No. 19-45427 (Bankr. E.D. Mich. Apr. 10, 2019); Delamar Andrew Williams-Linzsey, No. 19-20744 (Bankr. E.D. Mich. Apr. 9, 2019); Lakendria D. Cooper, No. 19-45282 (Bankr. E.D. Mich. Apr. 8, 2019); Ashley Tuddles, No. 19-45324 (Bankr. E.D. Mich. Apr. 8, 2019); Alyssa M. Paquin, No. 19-20705 (Bankr. E.D. Mich. Apr. 7, 2019); Crystal Lynn Music, No. 19-20704 (Bankr. E.D. Mich. Apr. 6, 2019); Aishena Walker, No. 19-45191 (Bankr. E.D. Mich. Apr. 5, 2019) (Aishena Walker); Robert Gray, No. 19-45196 (Bankr. E.D. Mich. Apr. 5, 2019); Daja Lucas, No. 19-45161 (Bankr. E.D. Mich. Apr. 4, 2019); Kenetra Humphrey, No. 19-44994 (Bankr. E.D. Mich. Apr. 2, 2019); Gerardo Saavedra, Jr., No. 19-44992 (Bankr. E.D. Mich. Apr. 2, 2019); Leah Marie Smith, No. 19-44950 (Bankr. E.D. Mich. Apr. 1, 2019); Reginald Allen Jones, Jr. and Amber D. Jones, No. 19-44966 (Bankr. E.D. Mich. Apr. 1, 2019); Shantel Arnitt Goins, No. 19-44728 (Bankr. E.D. Mich. Mar. 29, 2019); Karl Vaughn Powell, Jr., No. 19-44710 (Bankr. E.D. Mich. Mar. 29, 2019); Lawrence Duncan and Danielle Duncan, No. 19-44788 (Bankr. E.D. Mich. Mar. 29, 2019); Ahmad Albahili, No. 19-44648 (Bankr. E.D. Mich. Mar. 28, 2019); Charmaine Debose, No. 19-44654 (Bankr. E.D. Mich. Mar. 28, 2019); Serarpis Germaine Madison, No. 19-44558 (Bankr. E.D. Mich. Mar. 27, 2019); Willie Mitchell, No. 19-44497 (Bankr. E.D. Mich. Mar. 26, 2019) (Willie Mitchell); Ola Hockenhull, No. 19-44486 (Bankr. E.D. Mich. Mar. 26, 2019); Deshawn Smith, No. 19-44479 (Bankr. E.D. Mich. Mar. 26, 2019); Zachary D. Hill, No. 19-30733 (Bankr. E.D. Mich. Mar. 26, 2019) (Zachary Hill); Danielle N. Campbell, No. 19-30732 (Bankr. E.D. Mich. Mar. 26, 2019) (Danielle Campbell); Eleanora Ann Tolentino, No. 19-44361 (Bankr. E.D. Mich. Mar. 25, 2019); Shakita L. Glenn, No. 19-44399 (Bankr. E.D. Mich. Mar. 25, 2019); Lashawn Dixon, No. 19-44250 (Bankr. E.D. Mich. Mar. 22, 2019) (Lashawn Dixon); Aaron David Lawes, No. 19-20575 (Bankr. E.D. Mich. Mar. 22, 2019); Jessica L. Kirklin, No. 19-44209 (Bankr. E.D. Mich. Mar. 21, 2019); Carol Winebarger, No. 19-30658 (Bankr. E.D. Mich. Mar. 19, 2019); Colleen Weber, No. 19-30657 (Bankr. E.D. Mich. Mar. 19, 2019); Bryan Christopher Carter, and Lisa Danielle Carter, No. 19-43890 (Bankr. E.D. Mich. Mar. 18, 2019) (Bryan Carter); Margina Staffney, No. 19-43921 (Bankr. E.D. Mich. Mar. 18, 2019); Teaira Smith, No. 19-43777 (Bankr. E.D. Mich. Mar. 15, 2019) (Teaira Smith); September Muladore, No. 19-20514 (Bankr. E.D. Mich. Mar. 15, 2019); Brittany Ivory, No. 19-43780 (Bankr. E.D. Mich. Mar. 15, 2019); Muslima Ahmed, No. 19-43697 (Bankr. E.D. Mich. Mar. 14, 2019); Rebecca S. Thomas, No. 19-43526 (Bankr. E.D. Mich. Mar. 12, 2019); Alyssa T. Derrick, No. 19-43523 (Bankr. E.D. Mich. Mar. 12, 2019); Jimika Davis, No. 19-43506 (Bankr. E.D. Mich. Mar. 12, 2019); Morgan Bennett, No. 19-43453 (Bankr. E.D. Mich. Mar. 11, 2019) (Morgan Bennett); Ebony Monique Pierson, No. 19-43412 (Bankr. E.D. Mich. Mar. 11, 2019); Joey Weeman, No. 19-43392 (Bankr. E.D. Mich. Mar. 9, 2019); Tiffany Haas, No. 19-43311 (Bankr. E.D. Mich. Mar. 8, 2019); Martika Hobbs, No. 19-43257 (Bankr. E.D. Mich. Mar. 7, 2019); Lerico D. White, Sr. and Deborah J. White, No. 19-30540 (Bankr. E.D. Mich. Mar. 7, 2019) (Lerico White); Steven Crizer and Macy E. Crizer, No. 19-20457 (Bankr. E.D. Mich. Mar. 7, 2019); Brandon Anthony Mays, No. 19-43186 (Bankr. E.D. Mich. Mar. 6, 2019); Joshuan Porter, No. 19-43115 (Bankr. E.D. Mich. Mar. 5, 2019); Tamika A. Moore-Shepherd, No. 19-43003 (Bankr. E.D. Mich. Mar. 4, 2019); Ashley Brown, No. 19-42955 (Bankr. E.D. Mich. Mar. 1, 2019) (Ashley Brown); Randy K. Blake, No. 19-30480 (Bankr. E.D. Mich. Mar. 1, 2019); Tyrikh Bostic, No. 19-42787 (Bankr. E.D. Mich. Feb. 28, 2019); Tiana Jackson, No. 19-20402 (Bankr. E.D. Mich. Feb. 28, 2019) (Tiana Jackson); Antonyque J. Hill, No. 19-30469 (Bankr. E.D. Mich. Feb. 28, 2019); Larry Gavin, Jr., No. 19-42744 (Bankr. E.D. Mich. Feb. 27, 2019); Pamela Lynn White, No. 19-42435 (Bankr. E.D. Mich. Feb. 22, 2019) (Pamela White); Keanna Hurt, No. 19-42433 (Bankr. E.D. Mich. Feb. 22, 2019); Andre Lamont Williamson, No. 19-42446 (Bankr. E.D. Mich. Feb. 22, 2019) (Andre Williamson); Anthony Petruccioli, No. 19-42436 (Bankr. E.D. Mich. Feb. 22, 2019); Tony Hill, Jr., No. 19-42411 (Bankr. E.D. Mich. Feb. 21, 2019); Aniyah Moore-Garrett, No. 19-20319 (Bankr. E.D. Mich. Feb. 20, 2019); Mark Willis Sanderson, No. 19-20325 (Bankr. E.D. Mich. Feb. 20, 2019); Gregory L. Bork, No. 19-42268 (Bankr. E.D. Mich. Feb. 19, 2019); Paula Brown, No. 19-42208 (Bankr. E.D. Mich. Feb. 18, 2019); William J. Presley, Jr. and Robin A. Wardlaw-Presley, No. 19-42178 (Bankr. E.D. Mich. Feb. 18, 2019); Katisha D. Matiere, No. 19-30351 (Bankr. E.D. Mich. Feb. 18, 2019); Shenesha Chanel Franklin, No. 19-42157 (Bankr. E.D. Mich. Feb. 17, 2019) (Shenesha Franklin); Bassam Hasan Radwan and Manar

Radwan, No. 19-42032 (Bankr. E.D. Mich. Feb. 14, 2019); Tiffany Collins, No. 19-41949 (Bankr. E.D. Mich. Feb. 13, 2019) (Tiffany Collins); Sandra Dennis, No. 19-41932 (Bankr. E.D. Mich. Feb. 13, 2019); Sharon Robinson, No. 19-41792 (Bankr. E.D. Mich. Feb. 9, 2019) (Sharon Robinson); Joshua Jackson, No. 19-41788 (Bankr. E.D. Mich. Feb. 9, 2019) (Joshua Jackson); Manuel Rodriguez, No. 19-20257 (Bankr. E.D. Mich. Feb. 8, 2019); Jessica Mathis, No. 19-41762 (Bankr. E.D. Mich. Feb. 8, 2019); Shauntella Brown, No. 19-41736 (Bankr. E.D. Mich. Feb. 8, 2019) (Shauntella Brown); Ebony Jones, No. 19-41692 (Bankr. E.D. Mich. Feb. 7, 2019); Nour Sharif Zaal, No. 19-41624 (Bankr. E.D. Mich. Feb. 6, 2019); Eddie Bazzi, No. 19-41521 (Bankr. E.D. Mich. Feb. 4, 2019); Marshall Wood and Brandy Wood, No. 19-41402 (Bankr. E.D. Mich. Feb. 1, 2019) (Marshall Wood); Ghisoun Sims, No. 19-41310 (Bankr. E.D. Mich. Jan. 31, 2019); Trenna Martin, No. 19-20181 (Bankr. E.D. Mich. Jan. 30, 2019); Mariama Melissa Waters, No. 19-41282 (Bankr. E.D. Mich. Jan. 30, 2019); Tyler Wendell-Wayne Francisco, No. 19-20166 (Bankr. E.D. Mich. Jan. 29, 2019); Katrina Y. Emery, No. 19-30203 (Bankr. E.D. Mich. Jan. 29, 2019); Joseph P. Giles and Shannon M. Giles, No. 19-20155 (Bankr. E.D. Mich. Jan. 25, 2019); Janae Clark, No. 19-41125 (Bankr. E.D. Mich. Jan. 25, 2019) (Janae Clark); Courtney Aireona Gooden, No. 19-41026 (Bankr. E.D. Mich. Jan. 24, 2019); Daniel Paehlig, No. 19-41015 (Bankr. E.D. Mich. Jan. 24, 2019); Ragheb Harb, No. 19-41062 (Bankr. E.D. Mich. Jan. 24, 2019); Nicole Moore, No. 19-40898 (Bankr. E.D. Mich. Jan. 22, 2019); Thomas Grant Wilber, and Vida Lynn Wilber, No. 19-20119 (Bankr. E.D. Mich. Jan. 22, 2019); Hashi Mone Arju, No. 19-40926 (Bankr. E.D. Mich. Jan. 22, 2019); Mario Johnson, No. 19-40836 (Bankr. E.D. Mich. Jan. 21, 2019); Marcel J. Clark, No. 19-40764 (Bankr. E.D. Mich. Jan. 18, 2019) (Marcel Clark); Kallan Hohman, No. 19-20090 (Bankr. E.D. Mich. Jan. 17, 2019); Sharlotte Deniene Kolanowski, No. 19-30107 (Bankr. E.D. Mich. Jan. 15, 2019); Carleeta Kendle, No. 19-40556 (Bankr. E.D. Mich. Jan. 15, 2019); Dawn Richardson, No. 19-30101 (Bankr. E.D. Mich. Jan. 14, 2019) (Dawn Richardson); Wilma Baker, No. 19-40373 (Bankr. E.D. Mich. Jan. 11, 2019); Gregory M. Blue, No. 19-40400 (Bankr. E.D. Mich. Jan. 11, 2019); John Mogielski, No. 19-40387 (Bankr. E.D. Mich. Jan. 11, 2019); Selma A. Hill, No. 19-40362 (Bankr. E.D. Mich. Jan. 10, 2019); Kenneth D. Worthey, No. 19-40297 (Bankr. E.D. Mich. Jan. 9, 2019); Jacquavious Burt, No. 19-20034 (Bankr. E.D. Mich. Jan. 9, 2019); Onyell K. Powell, No. 19-30051 (Bankr. E.D. Mich. Jan. 8, 2019); Todd Andrew Munday and Leslie Diane Munday, No. 19-40156 (Bankr. E.D. Mich. Jan. 7, 2019); Gerald Szelogowski, No. 19-20010 (Bankr. E.D. Mich. Jan. 4, 2019); Toosdai J. Johns, No. 19-40078 (Bankr. E.D. Mich. Jan. 3, 2019); Thomas James Grimm and Linda Woosley Grimm, No. 19-20005 (Bankr. E.D. Mich. Jan. 3, 2019); Steven J. Salva, No. 19-40038 (Bankr. E.D. Mich. Jan. 2, 2019); *cf.* Helen Milton, No. 19-46168 (Bankr. E.D. Mich. Apr. 23, 2019); Harriette Lenora Woodards, No. 19-40943 (Bankr. E.D. Mich. Jan. 22, 2019) (motion to reopen was filed to request waiver of requirement to take financial management course).

In *Hibner* the debtor filed a motion to reopen and paid the reopening fee, and the court ordered the case reopened, but the debtor never filed the certificate. In *Clanton*, after the motion to reopen was granted, the court discovered that the debtor was ineligible for discharge because of a prior discharge.

⁶⁰ See Daniel Morgan and Keri Morgan, No. 19-05363 (Bankr. W.D. Mich. Dec. 31, 2019); Megan Patrice Sheehy, No. 19-04928 (Bankr. W.D. Mich. Nov. 26, 2019); Zarah M. Lipman, No. 19-04764 (Bankr. W.D. Mich. Nov. 13, 2019); Christopher Michael Southerland, No. 19-03979 (Bankr. W.D. Mich. Sept. 19, 2019); Kendrea C. Thomas, No. 19-03714 (Bankr. W.D. Mich. Aug. 30, 2019) (Kendrea Thomas); Scott Troy Parks, No. 19-03525 (Bankr. W.D. Mich. Aug. 19, 2019); Martha Poley, No. 19-03516 (Bankr. W.D. Mich. Aug. 16, 2019); Jennifer L. Stockford, No. 19-03418 (Bankr. W.D. Mich. Aug. 8, 2019); David Brian Cameron, No. 19-03215 (Bankr. W.D. Mich. July 29, 2019); Lisa Marie Cameron, No. 19-03055 (Bankr. W.D. Mich. July 17, 2019); Carol J. Pickford, No. 19-02457 (Bankr. W.D. Mich. June 5, 2019); Dominic J. Pecararo, No. 19-02359 (Bankr. W.D. Mich. May 29, 2019); Holly M. Borowiak, No. 19-02334 (Bankr. W.D. Mich. May 28, 2019); Warnetta A. Bush, No. 19-02246 (Bankr. W.D. Mich. May 22, 2019); Robert Lee Miller, No. 19-02252 (Bankr. W.D. Mich. May 22, 2019); Angela Beth Filipunas, No. 19-02224 (Bankr. W.D. Mich. May 21, 2019); Susanne Kay Verrtigan, No. 19-02058 (Bankr. W.D. Mich. May 8, 2019); Justin Kenneth Goodwin, No. 19-01658 (Bankr. W.D. Mich. Apr. 17, 2019); Asiyah Mae Baylis, No. 19-01626 (Bankr. W.D. Mich. Apr. 15,

2019); Woo Chang Kim, No. 19-01590 (Bankr. W.D. Mich. Apr. 11, 2019); Shawn Lee Grucella, No. 19-00852 (Bankr. W.D. Mich. Mar. 6, 2019).

⁶¹ See Billy Bump, No. 19-34077 (Bankr. N.D. Ohio Dec. 27, 2019); Elizabeth Curry, No. 19-17751 (Bankr. N.D. Ohio Dec. 23, 2019); Demetria Overton, No. 19-34032 (Bankr. N.D. Ohio Dec. 20, 2019); Genell D. Hudson, No. 19-17580 (Bankr. N.D. Ohio Dec. 13, 2019); Cherrie A. Montgomery, No. 19-33943 (Bankr. N.D. Ohio Dec. 11, 2019); Anthony L. Light and Christina L. Light, No. 19-62305 (Bankr. N.D. Ohio Nov. 15, 2019); Isronna Franks, No. 19-52747 (Bankr. N.D. Ohio Nov. 15, 2019); Michael E. Bloom, No. 19-16943 (Bankr. N.D. Ohio Nov. 11, 2019); Jamie McMaster, No. 19-33558 (Bankr. N.D. Ohio Nov. 1, 2019); Sara Wingfield, No. 19-16722 (Bankr. N.D. Ohio Oct. 31, 2019); Burt Raymond Sharpe, No. 19-62099 (Bankr. N.D. Ohio Oct. 17, 2019); Crystal Hicks, No. 19-33330 (Bankr. N.D. Ohio Oct. 14, 2019); Everett L. Mattox, Jr. and Susan M. Mattox, No. 19-33303 (Bankr. N.D. Ohio Oct. 10, 2019); Wilhelmina Marie Edwards, No. 19-15833 (Bankr. N.D. Ohio Sept. 19, 2019) (Wilhelmina Edwards); Kelly McCullough, No. 19-41705 (Bankr. N.D. Ohio Sept. 18, 2019); Troy L. Aaron, Sr., No. 19-33002 (Bankr. N.D. Ohio Sept. 17, 2019); Thomas R. Ickes, No. 19-32953 (Bankr. N.D. Ohio Sept. 12, 2019); Shawn Davis, Sr., No. 19-15689 (Bankr. N.D. Ohio Sept. 12, 2019) (Shawn Davis); Latoya R. Lee, No. 19-61847 (Bankr. N.D. Ohio Sept. 10, 2019) (Latoya Lee); Christopher Knappins, No. 19-32895 (Bankr. N.D. Ohio Sept. 9, 2019); Angelique Cunningham, No. 19-15581 (Bankr. N.D. Ohio Sept. 6, 2019); Jerica Harding, No. 19-61824 (Bankr. N.D. Ohio Sept. 6, 2019); Snjezana Musa, No. 19-15546 (Bankr. N.D. Ohio Sept. 5, 2019); Shaqurra Travis, No. 19-52129 (Bankr. N.D. Ohio Sept. 5, 2019); Sierra Edwards, No. 19-15530 (Bankr. N.D. Ohio Sept. 5, 2019) (Sierra Edwards); Amanda Summersill, No. 19-15442 (Bankr. N.D. Ohio Aug. 30, 2019); Stratton Isaac Casey Ruth, No. 19-61774 (Bankr. N.D. Ohio Aug. 29, 2019); Reeshell L. Purdy, No. 19-15248 (Bankr. N.D. Ohio Aug. 23, 2019); Shanay S. Hill, No. 19-14969 (Bankr. N.D. Ohio Aug. 12, 2019) (Shanay Hill); Diane K. Russell, No. 19-32506 (Bankr. N.D. Ohio Aug. 7, 2019); Tarence Torrence, No. 19-14718 (Bankr. N.D. Ohio July 31, 2019); Angela Ray, No. 19-61574 (Bankr. N.D. Ohio July 30, 2019); Aaron Cockrell, Jr., No. 19-14453 (Bankr. N.D. Ohio July 19, 2019); Jeffrey S. Bloor, No. 19-41272 (Bankr. N.D. Ohio July 10, 2019); Robert Downton and Karen Downton, No. 19-32140 (Bankr. N.D. Ohio July 5, 2019); Rosendo Vasquez and Natalie Vasquez, No. 19-32440 (Bankr. N.D. Ohio July 3, 2019); Lindsay M. Kessler, No. 19-13988 (Bankr. N.D. Ohio June 26, 2019); Shanel A. Fannin, No. 19-13864 (Bankr. N.D. Ohio June 21, 2019); Jلال Ibrahim Hamid, No. 19-13772 (Bankr. N.D. Ohio June 18, 2019); Aishah Muhammad, No. 19-31954 (Bankr. N.D. Ohio June 18, 2019); Christopher Lee Webb and Stephanie Elise Webb, No. 19-61284 (Bankr. N.D. Ohio June 14, 2019); Wilma L. Swogger, No. 19-61267 (Bankr. N.D. Ohio June 13, 2019); Mandy Raphiel Sturm, No. 19-61230 (Bankr. N.D. Ohio June 10, 2019); Timothy M. Bennett, Jr., No. 19-31772 (Bankr. N.D. Ohio May 31, 2019) (Timothy Bennett); Christina M. Melaragno and Mark M. Melaragno, No. 19-13260 (Bankr. N.D. Ohio May 24, 2019); Tere Rey, No. 19-31653 (Bankr. N.D. Ohio May 22, 2019); Victoria Segundo, No. 19-31616 (Bankr. N.E. Ohio May 20, 2019); Isalene Trotter Jackson, No. 19-61051 (Bankr. N.D. Ohio May 15, 2019); Ronald W. Ross and Sarah Ross, No. 19-61059 (Bankr. N.D. Ohio May 15, 2019); Krystle Marie Horn, No. 19-40909 (Bankr. N.D. Ohio May 15, 2019); Keisha M. Queener, No. 19-40872 (Bankr. N.D. Ohio May 11, 2019); Douglas Lindsay, No. 19-61003 (Bankr. N.D. Ohio May 8, 2019); Joseph Packer, No. 19-60971 (Bankr. N.D. Ohio May 3, 2019); Lisa L. Heller, No. 19-60968 (Bankr. N.D. Ohio May 3, 2019); Justin A. White and Meghan S. White, No. 19-40797 (Bankr. N.D. Ohio May 1, 2019); Dale Karen Sharp, No. 19-50966 (Bankr. N.D. Ohio Apr. 28, 2019); Danielle Crago, No. 19-40775 (Bankr. N.D. Ohio Apr. 26, 2019); Dasandra Antoinette Craven, No. 19-12432 (Bankr. N.D. Ohio Apr. 23, 2019); Darnez L. Depriest, No. 19-12217 (Bankr. N.D. Ohio Apr. 13, 2019); Elizabeth A. Bazil, No. 19-12124 (Bankr. N.D. Ohio Apr. 10, 2019); Aaron J. Walton-Smith, No. 19-12050 (Bankr. N.D. Ohio Apr. 8, 2019); Frank A. Callella Jr., No. 19-40580 (Bankr. N.D. Ohio Apr. 5, 2019); LeBryon M. Jones, No. 19-11961 (Bankr. N.D. Ohio Apr. 4, 2019); Taylor Rae Simecek, No. 19-40575 (Bankr. N.D. Ohio Apr. 4, 2019); Mercedes B. Stieben, No. 19-30922 (Bankr. N.D. Ohio Mar. 31, 2019); Jason Daniel Wallenhurst, No. 19-60655 (Bankr. N.D. Ohio Mar. 30, 2019); Olivia F. Young, No. 19-30807 (Bankr. N.D. Ohio Mar. 25, 2019); Raymond K. Potts, No. 19-11572 (Bankr. N.D. Ohio Mar. 21, 2019); Gregory Edward Jackson, No. 19-11540 (Bankr. N.D. Ohio Mar. 30, 2019); Roosevelt Washington, No. 19-

11415 (Bankr. N.D. Ohio Mar. 15, 2019); Christian R. Moss, No. 19-11432 (Bankr. N.D. Ohio Mar. 15, 2019); Nichole S. Menacher-Keeler, No. 19-30667 (Bankr. N.D. Ohio Mar. 14, 2019); Michael Blumenauer, No. 19-60483 (Bankr. N.D. Ohio Mar. 12, 2019); Tiffany Westbrook, No. 19-11289 (Bankr. N.D. Ohio Mar. 11, 2019); Roosevelt Jackson, No. 19-10905 (Bankr. N.D. Ohio Feb. 22, 2019) (Roosevelt Jackson); Robert Hanrahan, No. 19-30396 (Bankr. N.D. Ohio Feb. 19, 2019); Kristina L. O'Dell, No. 19-60232 (Bankr. N.D. Ohio Feb. 6, 2019); Jarred D. Jenkins, No. 19-10496 (Bankr. N.D. Ohio Jan. 30, 2019) (Jarred Jenkins); Kennesha J. Ballard, No. 19-10190 (Bankr. N.D. Ohio Jan. 14, 2019). In one case no motion to reopen was ever filed, but the debtor filed amended schedules and the financial management course certificate after the case was closed and the case was transferred to a new judge who granted a discharge. See Richard Eugene Geist, No. 19-40731 (Bankr. N.D. Ohio Apr. 22, 2019).

⁶² See Teah Allen, No. 19-57921 (Bankr. S.D. Ohio Dec. 12, 2019); William Camp and Rachel Camp, No. 19-33819 (Bankr. S.D. Ohio Dec. 10, 2019); Marquitta R. McFarland, No. 19-57599 (Bankr. S.D. Ohio Nov. 25, 2019); Carlos Deal, No. 19-57326 (Bankr. S.D. Ohio Nov. 13, 2019); Robin D. Williams, No. 19-33426 (Bankr. S.D. Ohio Nov. 1, 2019); Kalisha Mucker, No. 19-56712 (Bankr. S.D. Ohio Oct. 21, 2019); Jessica E. Neville, No. 19-56659 (Bankr. S.D. Ohio Oct. 17, 2019); Jody Lynn Benson, No. 19-56622 (Bankr. S.D. Ohio Oct. 15, 2019) (Jody Benson); Daniel J. Gundrum, No. 19-33106 (Bankr. S.D. Ohio Oct. 4, 2019); Butch Howard and Tyarria Howard, No. 19-56370 (Bankr. S.D. Ohio Oct. 2, 2019) (Butch Howard); Aaron J. Scherker and Kaitlyn N. Sherker, No. 19-56216 (Bankr. S.D. Ohio Sept. 26, 2019); Linda L. Gibson, No. 19-13522 (Bankr. S.D. Ohio Sept. 25, 2019); James Lee Rowe III, No. 19-56036 (Bankr. W.D. Ohio Sept. 19, 2019); Candice Booker, No. 19-13440 (Bankr. S.D. Ohio Sept. 18, 2019); Carol A. Harmon, No. 19-13245 (Bankr. S.D. Ohio Sept. 4, 2019); Aaron Hughes, No. 19-55363 (Bankr. W.D. Ohio Aug. 21, 2019); Jennile Y. Ernest, No. 19-32584 (Bankr. S.D. Ohio Aug. 16, 2019); Chana Deshaee Stargell, No. 19-32587 (Bankr. S.D. Ohio Aug. 16, 2019); Tonya McNeil, No. 19-32569 (Bankr. S.D. Ohio Aug. 14, 2019); Damien E. Crouse and Lisa M. Crouse, No. 19-12858 (Bankr. S.D. Ohio Aug. 2, 2019); Darin Solomon and Mary Solomon, No. 19-12852 (Bankr. S.D. Ohio Aug. 2, 2019); Alcresha M. Ballinger, No. 19-54921 (Bankr. S.D. Ohio July 31, 2019); Ronald A. Gaston, No. 19-54759 (Bankr. S.D. Ohio July 24, 2019); Stephanie Balliet, No. 19-54679 (Bankr. S.D. Ohio July 19, 2019); Gary L. Campbell and Liberty B. Campbell, No. 19-54587 (Bankr. S.D. Ohio July 16, 2019); Michelle D. Long, No. 19-12599 (Bankr. S.D. Ohio July 16, 2019); Kindra Thacker, No. 19-12590 (Bankr. S.D. Ohio July 15, 2019); Jonathon D. McAdams, No. 19-32212 (Bankr. S.D. Ohio July 10, 2019); Gregory Mancill, No. 19-12459 (Bankr. S.D. Ohio July 3, 2019); Breana L. Dansler, No. 19-54109 (Bankr. S.D. Ohio June 21, 2019); Charles L. Bailey, No. 19-12313 (Bankr. S.D. Ohio June 21, 2019) (Charles Bailey); Valerie Bates, No. 19-32047 (Bankr. S.D. Ohio June 20, 2019) (Valerie Bates); Ashauna J. Brown, No. 19-12284 (Bankr. S.D. Ohio June 20, 2019); Kelly R. Wright, No. 19-12170 (Bankr. S.D. Ohio June 12, 2019); Ashlee M. Horn, No. 19-53795 (Bankr. S.D. Ohio June 10, 2019); Dustin Thomas Shifflet, No. 19-31815 (Bankr. S.D. Ohio June 4, 2019); Andrew J. Giesman, No. 19-11996 (Bankr. S.D. Ohio May 30, 2019); Kayla Brannan, No. 19-12014 (Bankr. S.D. Ohio May 30, 2019); Eric Akiem Warren, No. 19-11973 (Bankr. S.D. Ohio May 29, 2019); Patrick A. Lee, No. 19-30984 (Bankr. S.D. Ohio May 29, 2019) (Patrick Lee); Onna M. Rolley, No. 19-11985 (Bankr. S.D. Ohio May 29, 2019); Katrina Yvette Bradley, No. 19-11898 (Bankr. S.D. Ohio May 22, 2019); Joshua P. Gaines, No. 19-53224 (Bankr. S.D. Ohio May 16, 2019); Janae Wilbur, No. 19-31581 (Bankr. S.D. Ohio May 14, 2019); Kristen Dille and Brody Dille, No. 19-53130 (Bankr. S.D. Ohio May 12, 2019); Brenda L. Honaker, No. 19-53078 (Bankr. S.D. Ohio May 9, 2019); Arlie J. Boggan, No. 19-31493 (Bankr. S.D. Ohio May 7, 2019); Bryanna S. Tungate, No. 19-11651 (Bankr. S.D. Ohio May 3, 2019); Kayla R. Riley, No. 19-52802 (Bankr. S.D. Ohio Apr. 30, 2019); David Pierce and Linda Pierce, No. 19-52776 (Bankr. S.D. Ohio Apr. 29, 2019); Nakisha Abron, No. 19-52741 (Bankr. S.D. Ohio Apr. 28, 2019); Kevin F. Leslein and Mechelle L. Leslein, No. 19-52587 (Bankr. S.D. Ohio Apr. 23, 2019); Carol Turvey, No. 19-11411 (Bankr. S.D. Ohio Apr. 19, 2019); Harley J. King, No. 19-11352 (Bankr. S.D. Ohio Apr. 15, 2019); Ty C. Carr, No. 19-11223 (Bankr. S.D. Ohio Apr. 5, 2019); Helen A. Buechner, No. 19-52081 (Bankr. S.D. Ohio Apr. 3, 2019); Traci L. Riddell-Barnes, No. 19-11202 (Bankr. S.D. Ohio Apr. 4, 2019); Darrel R. Wintrow, No. 19-31016 (Bankr. S.D. Ohio Mar. 30, 2019); Lorenzo D. Mann, No. 19-30997 (Bankr. S.D. Ohio Mar. 29, 2019); Shominique Lavette Carter, No. 19-51662

(Bankr. S.D. Ohio Mar. 19, 2019); Wendy Jo. Alexander, No. 19-10906 (Bankr. S.D. Ohio Mar. 18, 2019); Dawn M. Heard, No. 19-10807 (Bankr. S.D. Ohio Mar. 12, 2019); Theresa Ann Lewis, No. 19-51429 (Bankr. S.D. Ohio Mar 11, 2019) (Theresa Lewis); Samuel Acosta and Anchanet Acosta, No. 19-10733 (Bankr. S.D. Ohio Mar. 7, 2019); James W. Lott, No. 19-51204 (Bankr. S.D. Ohio Mar. 2, 2019); Tameca L. Mines, No. 19-10652 (Bankr. S.D. Ohio Mar. 1, 2019); Lisa Rene Kloh, No. 19-50735 (Bankr. S.D. Ohio Feb. 11, 2019); Sharita Lynette Thornton, No. 19-50672 (Bankr. S.D. Ohio Feb. 6, 2019); Bruce Aman Koehler, No. 19-30311 (Bankr. S.D. Ohio Feb. 2, 2019); Freddie White, No. 19-30296 (Bankr. S.D. Ohio Jan. 31, 2019); Eugene Kristopher Buckler, No. 19-10320 (Bankr. S.D. Ohio Jan. 31, 2019); Rameeka A. Bell, No. 19-10260 (Bankr. S.D. Ohio Jan. 28, 2019) (Rameeka Bell); Dawnielle L. White, No. 19-50227 (Bankr. S.D. Ohio Jan. 15, 2019) (Dawnielle White); Desmond Jones, No. 19-50062 (Bankr. S.D. Ohio Jan. 5, 2019) (Desmond Jones).

⁶³ See Arielle Anquette Jones, No. 19-15345 (Bankr. E.D. Tenn. Dec. 20, 2019); Albert John Clemons, No. 19-52050 (Bankr. E.D. Tenn. Oct. 2, 2019); Christopher Philip Campbell and Patricia Ann Campbell, No. 19-51641 (Bankr. E.D. Tenn. Aug. 12, 2019) (Christopher Campbell); Linda Marie Kunna, No. 19-13116 (Bankr. E.D. Tenn. July 29, 2019); Felicia Dawn Pickens, No. 19-51540 (Bankr. E.D. Tenn. July 25, 2019); Angela Willis Robertson, No. 19-12971 (Bankr. E.D. Tenn. July 19, 2019); Ashley Sharee Baer, No. 19-12465 (Bankr. E.D. Tenn. June 14, 2019); Gary C. Yates and Jessica M. Yates, No. 19-12201 (Bankr. E.D. Tenn. May 29, 2019); Kimberly Lee Malone, No. 19-12086 (Bankr. E.D. Tenn. May 20, 2019); Harold D. Kirkpatrick II and Belinda G. Kirkpatrick, No. 19-50902 (Bankr. E.D. Tenn. Apr. 26, 2019); Christopher D. Bledsoe and Heather L. Bledsoe, No. 19-50901 (Bankr. E.D. Tenn. Apr. 25, 2019); William D. White, II and Samantha J. White, No. 19-11611 (Bankr. E.D. Tenn. Apr. 17, 2019); Daniel Campbell and Traci Campbell, No. 19-50797 (Bankr. E.D. Tenn. Apr. 12, 2019); Maurice W. Butterworth, Jr., No. 19-11554 (Bankr. E.D. Tenn. Apr. 12, 2019); Danny L. Bailey and Pamela J. Bailey, No. 19-50689 (Bankr. E.D. Tenn. Mar. 30, 2019) (Danny Bailey); Valicia Green, No. 19-11345 (Bankr. E.D. Tenn. Mar. 29, 2019); Catherine Pominski, No. 19-11254 (Bankr. E.D. Tenn. Mar. 26, 2019); Karen Dawn Cornett, No. 19-50461 (Bankr. E.D. Tenn. Mar. 12, 2019); David Scott Harr, No. 19-50210 (Bankr. E.D. Tenn. Feb. 8, 2019); Ashley Locke, No. 19-30321 (Bankr. E.D. Tenn. Feb. 7, 2019); Nancy Marie Eddins, No. 19-50128 (Bankr. E.D. Tenn. Jan. 28, 2019); Tonia Kay Rader, No. 19-10064 (Bankr. E.D. Tenn. Jan. 8, 2019).

⁶⁴ See Melanie L. Kirk, No. 19-08191 (Bankr. M.D. Tenn. Dec. 29, 2019); Derrick Richard Myers, Sr., No. 19-07776 (Bankr. M.D. Tenn. Dec. 4, 2019); Jason Anthony Fox, No. 19-07586 (Bankr. M.D. Tenn. Nov. 22, 2019); Melanie Delgado, No. 19-07007 (Bankr. M.D. Tenn. Oct. 28, 2019); Brandi Nichol Buie, No. 19-06891 (Bankr. M.D. Tenn. Oct. 23, 2019); Virginia Lynn Sprague, No. 19-06718 (Bankr. M.D. Tenn. Oct. 16, 2019); Andrea Lynn Metka, No. 19-06450 (Bankr. M.D. Tenn. Oct. 3, 2019); Erica Melissa Glenn, No. 19-06367 (Bankr. M.D. Tenn. Sept. 30, 2019); James Seales, No. 19-06293 (Bankr. M.D. Tenn. Sept. 27, 2019); Iesha Michelle Livingston, No. 19-05996 (Bankr. M.D. Tenn. Sept. 17, 2019); Latasia Elizabeth Holman, No. 19-05934 (Bankr. M.D. Tenn. Sept. 13, 2019); Hyo Seon Back, No. 19-05772 (Bankr. M.D. Tenn. Sept. 8, 2019); Matthew Sloan and Candice Sloan, No. 19-05652 (Bankr. M.D. Tenn. Aug. 30, 2019); Carol Lynne Scott, No. 19-05459 (Bankr. M.D. Tenn. Aug. 25, 2019) (Carol Scott); Allison Johnson, No. 19-05260 (Bankr. M.D. Tenn. Aug. 16, 2019) (Allison Johnson); Philip Anderson and Pamela Anderson, No. 19-05180 (Bankr. M.D. Tenn. Aug. 14, 2019); Aaron Branson, No. 19-05112 (Bankr. M.D. Tenn. Aug. 11, 2019); Tommy J. Covington, Jr., No. 19-05036 (Bankr. M.D. Tenn. Aug. 7, 2019); Antwon Ladarius Scott, No. 19-04865 (Bankr. M.D. Tenn. July 31, 2019) (Antwon Scott); Will Vick Braswell, III, No. 19-04815 (Bankr. M.D. Tenn. July 30, 2019); Francisco Tyrone Bell, No. 19-04723 (Bankr. M.D. Tenn. July 26, 2019) (Francisco Bell); Zewdu Sibhatu Girma, No. 19-04634 (Bankr. M.D. Tenn. July 22, 2019); Sherry Darian Pitts, No. 19-04629 (Bankr. M.D. Tenn. July 22, 2019); Dale Wesley Wood, No. 19-04531 (Bankr. M.D. Tenn. July 18, 2019); Eric Lee Lewis, No. 19-04238 (Bankr. M.D. Tenn. July 1, 2019); Hannah Joelle Proch, No. 19-04152 (Bankr. M.D. Tenn. June 28, 2019); Daniel A. Maiolo, No. 19-04143 (Bankr. M.D. Tenn. June 27, 2019); Deidhre Nicole Gallamore, No. 19-04082 (Bankr. M.D. Tenn. June 25, 2019); Derek Joshua Johnson, No. 19-03351 (Bankr. M.D. Tenn. May 27, 2019) (Derek Johnson); Mark Anthony Hawkins, No. 19-03198 (Bankr. M.D. Tenn. May 20, 2019); Marc Weston Moxley, II, No. 19-02814 (Bankr.

submit the financial management certificate in the first place. Of the total 1,276 cases in which a Sixth Circuit bankruptcy court withheld discharge on this basis, in 803 cases (about 63%) the debtor filed a motion to reopen the case to file a tardy certificate in order to obtain a discharge. More than 68% of the debtors in the E.D. Mich. do so, and more than 50% in every other district in the circuit other than the E.D. Tenn.

The Sixth Circuit is not an aberration. I looked at similar cases filed in 2019 in one district in each of the other circuits. When possible, I chose a

M.D. Tenn. Apr. 30, 2019); Shonn Terrance Tibbs, No. 19-02583 (Bankr. M.D. Tenn. Apr. 23, 2019); Scotty Lee Pickering Jr., No. 19-02548 (Bankr. M.D. Tenn. Apr. 20, 2019); Natalie Anne Riggan, No. 19-02098 (Bankr. M.D. Tenn. Apr. 2, 2019); Shannon Keith McKnight, No. 19-01920 (Bankr. M.D. Tenn. Mar. 27, 2019); Jessica Irene Johnson, No. 19-01442 (Bankr. M.D. Tenn. Mar. 8, 2019) (Jessica Johnson); Courtney N. Ellison, No. 19-01386 (Bankr. M.D. Tenn. Mar. 6, 2019); Joshua Reive, No. 19-01239 (Bankr. M.D. Tenn. Feb. 28, 2019); Rachel Nicole Baggett, No. 19-01234 (Bankr. M.D. Tenn. Feb. 28, 2019); Christopher Lee Delaney and Casey Victoria Delaney, No. 19-01023 (Bankr. M.D. Tenn. Feb. 20, 2019); Zachary Taylor King, No. 19-00668 (Bankr. M.D. Tenn. Feb. 4, 2019); Frederick Brooks, No. 19-00450 (Bankr. M.D. Tenn. Jan. 25, 2019); Joshua Paul Anthony, No. 19-00338 (Bankr. M.D. Tenn. Jan. 21, 2019); Darnell A. Eaglin, No. 19-00341 (Bankr. M.D. Tenn. Jan. 21, 2019); Robert Colvin, No. 19-00054 (Bankr. M.D. Tenn. Jan. 7, 2019). The docket in *Back* does not show any activity since the motion to reopen was filed on Oct. 27, 2020. The motion in *Kirk* was granted, but the debtor never filed the certificate, so the case was closed again without discharge.

⁶⁵ See Diondra Taylor, No. 19-12566 (Bankr. W.D. Tenn. Nov. 26, 2019); Christopher Demond Walton, No. 19-29239 (Bankr. W.D. Tenn. Nov. 19, 2019) (Christopher Walton); Gary W. Land and Kimberly M. Land, No. 19-12354 (Bankr. W.D. Tenn. Oct. 28, 2019); Christie M. Jenkins, No. 19-28358 (Bankr. W.D. Tenn. Oct. 18, 2019) (Christie Jenkins); Patric Damon Allen, No. 19-28185 (Bankr. W.D. Tenn. Oct. 11, 2019) (Patric Allen); Robert Henry Gill Jr., No. 19-28176 (Bankr. W.D. Tenn. Oct. 11, 2019); Robert Gross and Phyllis Gross, No. 19-28205 (Bankr. W.D. Tenn. Oct. 11, 2019); Michael Hall, No. 19-27681 (Bankr. W.D. Tenn. Sept. 25, 2019); Rachel Smith Johnson, No. 19-27669 (Bankr. W.D. Tenn. Sept. 25, 2019) (Rachel Johnson); Mercedes N. Miller, No. 19-12067 (Bankr. W.D. Tenn. Sept. 19, 2019); Dennis Earl Weaver, No. 19-27034 (Bankr. W.D. Tenn. Sept. 4, 2019); Porchia Reterrica Elion, No. 19-26594 (Bankr. W.D. Tenn. Aug. 20, 2019); Francisco Joe Derrell Wordlaw, No. 19-25519 (Bankr. W.D. Tenn. July 17, 2019); Rhien M. Jones, No. 19-25056 (Bankr. W.D. Tenn. July 1, 2019) (Rhien Jones); Kandis Johnson, No. 19-24975 (Bankr. W.D. Tenn. June 27, 2019) (Kandis Johnson); Theresa Yvonne Thomas, No. 19-23779 (Bankr. W.D. Tenn. May 13, 2019); Tarkesha Jackesha Jones, No. 19-23389 (Bankr. W.D. Tenn. Apr. 29, 2019) (Tarkesha Jones); Frances Renee Vester, No. 19-23076 (Bankr. W.D. Tenn. Apr. 16, 2019); Sara W. Nolan, No. 19-22869 (Bankr. W.D. Tenn. Apr. 8, 2019); Dimitrius Millie Smith, No. 19-22668 (Bankr. W.D. Tenn. Apr. 1, 2019); Brenda Renee Barnes, No. 19-22300 (Bankr. W.D. Tenn. Mar. 19, 2019); Kristen J. Braxton, No. 19-22314 (Bankr. W.D. Tenn. Mar. 19, 2019); Suenitra LaTrice Joyner, No. 19-22249 (Bankr. W.D. Tenn. Mar. 18, 2019) (Suenitra Joyner); Gerald David Hillard Sr., No. 19-22176 (Bankr. W.D. Tenn. Mar. 14, 2019); Latoya K. Johnson, No. 19-21752 (Bankr. W.D. Tenn. Mar. 11, 2019) (Latoya Johnson); Robert Wilson, No. 19-22071 (Bankr. W.D. Tenn. Mar. 11, 2019) (Robert Wilson); Jevonzel Antwanette Mitchell, No. 19-22013 (Bankr. W.D. Tenn. Mar. 8, 2019) (Jevonzel Mitchell); Percy Lee Boswell, Jr., No. 19-21892 (Bankr. W.D. Tenn. Mar. 6, 2019); Stephanie Renee McNeil, No. 19-21913 (Bankr. W.D. Tenn. Mar. 6, 2019); Ashlee DeLynne Culbreath, No. 19-20983 (Bankr. W.D. Tenn. Feb. 4, 2019); Amber Benson, No. 19-20965 (Bankr. W.D. Tenn. Feb. 1, 2019) (Amber Benson); Russell D. Batts, No. 19-20912 (Bankr. W.D. Tenn. Jan. 31, 2019); Tracy D. Jackson, Sr., No. 19-20749 (Bankr. W.D. Tenn. Jan. 26, 2019); Felicia Ann Bowman, No. 19-20596 (Bankr. W.D. Tenn. Jan. 22, 2019); Chad M. Jackson, No. 19-10068 (Bankr. W.D. Tenn. Jan. 14, 2019); Arthur Joe Davis, No. 19-20123 (Bankr. W.D. Tenn. Jan. 4, 2019) (Arthur Davis). In *Latoya Johnson* the court conditioned its order to reopen the case on the payment of the reopening fee, and the fee was never paid.

district with between twenty and fifty cases in which discharge was withheld for failure to submit the financial management certificate, which in most circuits is average.⁶⁶ Debtors in all circuits behave like those in the Sixth Circuit – generally 50% or more of debtors filed a motion to reopen the case when their discharge was withheld.⁶⁷

That suggests that of the more than 6,000 debtors in cases filed in 2019 nationwide who had their discharges withheld for failure to file the certificate evidencing completion of the course on personal financial management perhaps half of them eventually got a discharge after filing a motion to reopen their cases. But that still leaves thousands of debtors who never receive their discharge.

The fact that there are thousands of such debtors every year who are not receiving a discharge because of their failure to complete the required course on personal financial management (or, at any rate, their failure to submit the required certification that they have done so⁶⁸) should outrage every person who believes in the bankruptcy system. These are not debtors who are willfully deciding that they do not want to complete the course. If they did not want a discharge, they would waive their discharge under § 727(a)(10) rather than neglecting to take the debtor education course. Rather these are debtors who lose touch with their lawyers, or have medical or job problems, or change their address or phone number and do not get the notice telling them about the requirement, or do not understand that this is a requirement for discharge separate from the credit counseling briefing

⁶⁶ The District of Columbia had only eleven cases, and the District of Massachusetts (which had the most cases in the First Circuit) had only twenty.

⁶⁷ D.D.C. (four of eleven); D. Mass. (six of twenty); D. Conn. (28 of 50); M.D. Pa. (28 of 49); E.D. Va. (24 of 38); N.D. Miss. (14 of 34); S.D. Ill. (14 of 24); D. Neb. (38 of 39); D. Or. (31 of 60); N.D. Okla. (16 of 26); S.D. Ga. (13 of 26).

⁶⁸ Often the motion to reopen the case states that the debtor in fact took the required course before the case was closed but the certificate was not filed, either because there was a delay in receiving the certificate from the provider or the debtor received the certificate and did not file it or the debtor (or the debtor's counsel) erroneously thought the course provider would file the certificate with the court or the debtor sent the certificate to his or her attorney and the attorney did not file it or for some other reason it was not properly docketed before the case closed. *See, e.g., Christopher Campbell; Danny Bailey; Francisco Bell; Kirk; Buie; Glenn; Gallamore; McKnight; Sheehy; Poley; Pickford; Robert Miller; Vertigan; Christopher Walton; Wordlaw; Barnes; Amber Benson; Bowman; Arthur Davis; Chastity Walden; Logsdon; Christie Jenkins; Miles; Reyes; Pound; Stallard; Sanderson; Wells; Erin Anderson; Troublefield; Richards; Lichtenberger; Briscoe; Roard; Blevins; Haycraft; Byrd; Gundrum; Butch Howard; Stargell; Balliet; Patrick Lee; Turvey; Riddell-Barnes; Lott; Dawnielle White; Mancill; Honaker; Bump; McMaster; Shawn Davis; Latoya Lee; Summersill; Kessler; Fannin; Melaragno; Horn; Craven; Bazil; Callella; Menacher-Keeler; Blumenauer; Hanrahan; Jarred Jenkins; Kelly Lewis; Baldwin; Shadonna Anderson; Seafred Robinson; Poellnitz; Mogielski; Wesby; Hoskins; Hardiman; Michael Martin; Robert Bradley; Finley; Skornia; Zaal; Taneika Joyner; Jacob Hill; Karl Tucker; Teaira Smith; Derrick; Sanderson; Valdes-Melendez; Jeremy Ross; Loiselle, Sherman; Deandrea Smith; Tuddles; Ward; Hadfield; Kobeissi; Harris; Current; Roberson-Lyons; Lintez; Abrams; Bencheck; Marsha Jenkins; Henson; Ansheree Hughes; Frost; Rakela Walker; Wilber.*

they took before they filed for bankruptcy protection, or have language difficulties, or have technological problems in taking the course, or cannot afford another course, or they (or their lawyers) have logistical problems filing the certificate with the court. Many of the debtors are acting pro se.⁶⁹

The motions to reopen cases for the purpose of filing the certificate sometimes give a sense of why debtors fail to meet the deadline.⁷⁰ Some examples follow:⁷¹

“The Debtor, who speaks almost no English, believed his case was over after the first meeting of creditors and stopped communicating with his counsel.”

“When filing the Debtor Education Certificate of Completion, a mistake was made, and the Debtor’s credit counseling was accidentally filed twice.”

“During the course the debtor was locked out of his email where he had stored the user id and password. . . . It took him several months to come up with fee to re-open the case.”

“Debtor was under the mistaken impression that [the provider] would forward a copy of the certificate to his attorney for filing.”

“Form 423 was filed [with] the event code [] listed improperly.”

“[T]he Debtor has a medical concern arise, and was unable to work for a period during the pendency of her chapter 7. Therefore, she was not at her residence every day and was unable to manage her mail in a timely manner. The Debtor also lost her home internet during this time. Through excusable neglect, the Debtor forgot to notify her counsel of the change in circumstance.”

“Debtor did not supply Debtor’s Counsel with any email contact information and thus Debtor’s counsel was unaware that Debtor had completed the course.”

⁶⁹ See cases in note 87 *infra*. Of the 394 cases filed in 2019 in the E.D. Mich. in which debtors moved to reopen their cases in order to file the financial management certificate, debtors acted pro se when filing the motion in 100 of them.

⁷⁰ Many motions provide no explanation for debtor’s failure to meet the deadline; they simply move to reopen for the purpose of filing the certificate, or state that the failure to file was due to “inadvertence” or the debtor “forgot.”

⁷¹ The cases are not identified out of respect for the privacy of the debtors and their counsel.

Debtor's counsel "lost his longtime paralegal, his wife, and ... he had relied upon her to tend to such details throughout his entire career as an attorney.... [and] commencing approximately with the time of losing her, counsel has experienced increasing difficulty with memory to the point where he determined to terminate his law practice as expeditiously as possible."

"Debtor believed that she was required to send a copy of her completed Certificate of Debtor Education to the trustee, rather than the court."

"Debtor had been spending time away from his home and was not receiving additional follow up correspondences from his attorney or the Court."

"[T]he debtor was overwhelmed with a failing marriage in which her spouse, a severe alcoholic, was having seizures."

"Debtor had lost her job and was job hunting at the time of the certificate deadline and it slipped her mind."

Debtor "completed her closing certificate late due to getting caught up taking two sick children to their doctor appointments and pathologist appointments (autism). The Debtor was also ordered to take bed rest from her physician due to high blood pressure."

Debtor was "hospitalized and family members were unaware of this requirement."

Debtor "has been involved in a divorce in Mississippi."

Debtor was late "due to being injured at work and he was ordered to be off work for a period and to have bed rest."

"The Debtor is homeless and previously did not have access to resources to complete the requirement."

"Debtor had moved out of state and had problems receiving mail."

"Debtor has been experiencing issue with her health and her employment has been sporadic. This caused her to have issue paying for and completing the course."

"[T]here was a power surge during the filing that apparently disrupted said filing and the certificate was not actually filed."

“Debtor had very dangerous medical emergency, which caused her to be unable to read and affected her motor functions.”

“Debtor completed her Debtor Education as soon as she could afford it and it was unfortunately filed a few days late.”

“Debtor had to move to a shelter during the case and was not receiving her mail.”

“[Debtor] texted a screen shot of it to her attorney. This is not the preferred method of delivery and the certificate was not uploaded.”

Failure to file “was due to miscommunication with prior counsel.”

“Debtor was having difficulty in completing the course by phone.”

“[T]he certificate was not ‘auto-filed’ through [provider] due to a system error.”

“Debtors did not have the course fees to complete the course before the deadline.”

“Debtor’s counsel was under the impression that the paperwork was filed, based on a misunderstanding with his staff.”

“Counsel mistakenly believed that [provider] would file the certification with the court on behalf of the Debtor.”

“Debtor was without means to printout form 423 for signature.”

Certificate “was inadvertently placed in a spam folder in email.”

The number of cases in which discharge is withheld for failure to provide the certificate evidencing completion of the course on personal financial management should also alarm those who pushed for inclusion of the amendment to § 727(a) in the first place. The goal of the amendment was not to deny debtors discharge, but to ensure that individuals who had been forced to file for bankruptcy would be provided educational tools that made another bankruptcy less likely. The proponents of the new provision undoubtedly thought it would not be an impediment to discharge but that the prospect of discharge would nudge the debtors and their attorneys towards course completion. For these thousands of debtors the amendment has failed in its purpose.

Equally shocking is that the impact of § 727(a)(11) on chapter 7 debtors varies dramatically depending on the district in which the debtor files for bankruptcy protection. In each of thirty-seven districts there were fewer than twenty-five chapter 7 cases filed in 2019 in which the court withheld a discharge from a debtor based on failure to provide the financial management certificate.⁷² At the other extreme, there were seven districts each with more than 150 such cases and three of those had at least 550 such cases.⁷³ Those seven districts collectively represented almost 48% of all cases in which discharges were withheld on this basis, even though they represent only 25% percent of all nonbusiness chapter 7 cases filed in 2019.⁷⁴

Even within a single state the likelihood that debtors may have discharge withheld on the basis of § 727(a)(11) differs dramatically depending on the district in which they filed. For example, in the Western District of Michigan there were thirty-five cases in which discharge was withheld on this basis in 2019. In the Eastern District of Michigan there were 552 such cases, almost sixteen times as many; there are just over four times as many nonbusiness chapter 7 cases filed in the Eastern District of Michigan than in the Western District of Michigan.⁷⁵ Six times as many nonbusiness chapter 7 cases were filed in the Northern District of Illinois in 2019 than were filed in the Central District of Illinois,⁷⁶ but there are forty-eight times as many chapter 7 cases in which discharge with withheld for failure to provide the certificate in the Northern District of Illinois. In a uniform system of bankruptcy guaranteed by the U.S. Constitution,⁷⁷ debtors should not merely be governed by the same bankruptcy law and

⁷² D.D.C. (10); D. Me. (1); D. Mass. (18); D.N.H. (6); D.R.I. (4); D.P.R. (0); N.D.N.Y. (4); S.D.N.Y. (6); D. Vt. (0); D. Del. (1); W.D. Pa. (14); E.D.N.C. (19); M.D.N.C. (0); W.D.N.C. (8); D.S.C. (12); W.D. Va. (10); N.D. W. Va. (2); S.D. W. Va. (13); E.D. La. (3); M.D. La. (17); W.D. La. (9); W.D. Tex. (24); C.D. Ill. (13); S.D. Ill. (23); W.D. Wis. (17); N.D. Iowa (16); D.N.D. (5); D.S.D. (6); D. Alaska (0); D. Hawaii (2); D. Mont. (10); E.D. Wash. (20); M.D. Ala. (9); S.D. Ala. (4); N.D. Fla. (6); M.D. Ga. (9); S.D. Ga. (19). These numbers represent cases in which either the debtor or the co-debtor or both in a case filed under chapter 7 during 2019 that received the code “O” or “N” in the IDB.

⁷³ D.N.J. (214); E.D. Mich. (552); N.D. Ill. (627); E.D. Wis. (158); C.D. Cal. (625); S.D. Fla. (178); N.D. Ga. (335).

⁷⁴ Table F-2, U.S. Bankruptcy Courts – Business and Nonbusiness Cases Commenced, by Chapter of the Bankruptcy Code, During the 12-Month Period Ending December 31, 2019, available at <https://www.uscourts.gov/statistics/table/f2/statistical-tables-federal-judiciary/2019/12/31>. The total number of nonbusiness chapter 7 cases filed in 2019 was 465,991. Of those, 14,868 were filed in the D.N.J., 18,393 in the E.D. Mich., 23,654 in the N.D. Ill., 7,871 in the E.D. Wis., 28,599 in the C.D. Cal., 9,795 in the S.D. Fla. and 14,393 in the N.D. Ga., for a total of 117,573 cases, about twenty-five percent of all cases.

⁷⁵ 18,393 cases in the E.D. Mich. and 4,388 cases in the W.D. Mich. *Id.*

⁷⁶ *Id.* (23,654 cases in the N.D. Ill. and 3,937 cases in the C.D. Ill.).

⁷⁷ U.S. CONST. Art. I, § 8, cl. 4 (authorizing Congress to enact “uniform Laws on the Subject of Bankruptcies throughout the United States).

rules but should be treated similarly under that law and those rules in all districts.

III. WHY NOT PREFILING FINANCIAL EDUCATION?

As a policy matter, if a course about personal financial management has benefit for an individual who has filed for bankruptcy protection because that individual could use help understanding how to manage his or her finances going forward, it also has benefit for one who is contemplating a bankruptcy filing. If a debtor files a bankruptcy petition on May 1, why would the course be more valuable if it is taken on May 2 than on April 30?

The requirement that the debtor education course be taken postpetition not only has no policy rationale, but also imposes additional costs on both the debtor and the court system. There are three different categories of debtors who are adversely affected by the current system. First, there are the debtors who satisfy the requirement before the case is closed. For them, there is a second fee to take the course and additional time off work. Debtors sometimes petition the court for an exemption from taking the course because they assert they cannot afford the fee.⁷⁸ If these debtors are not able to take the course on a timely basis, they may incur the expense of obtaining an extension of the time to file under Federal Rules of Bankruptcy Procedure 1007(c) and 9006(b)(3).⁷⁹

Next, there are the debtors who fail to submit a certificate before the case is closed but who take the course (either before the case is closed or thereafter) and are forced to move to reopen the case to file the certificate. For them, there is also the additional time and expense of taking a second course. These debtors may have to wait weeks or months, sometimes more than a year, to obtain their discharges after the case was closed,⁸⁰ and on

⁷⁸ See, e.g., *In re Warner*, No. 13-00482, 2013 WL 5835475 (Bankr. D.D.C. Oct. 30, 2013) (denying request); *In re Washington*, No. 12-00705, 2013 WL 1091733 (Bankr. D.D.C. Mar. 14, 2013) (denying request). Inability to afford the course is not a basis for excusing it. The provider of the course is required to “provide services without regard to ability to pay the fee” under § 111(d)(1)(E).

⁷⁹ See note 47 *supra*. See, e.g., *In re Martinez*, No. 05-07309, 2006 WL 681068 (Bankr. N.D. Iowa Mar. 13, 2006).

⁸⁰ See, e.g., *Willie Mitchell* (twenty eight and one-half months); *Ernest* (almost twenty-four months); *Mines* (twenty-three months); *Washington* (twenty-one months); *Kunna* (nineteen months); *Mattison* (eighteen months); *Warren* (eighteen months); *Pound* (almost eighteen months); *Giesman* (eighteen months); *Bazzi* (eighteen months); *Blumenauer* (almost seventeen months); *Carla Walker* (more than seventeen months); *Desmund Jones* (almost seventeen months); *Buckler* (more than sixteen months); *Overton* (fifteen months); *Robertson* (thirteen months); *Valerie Bates* (almost one year); *Dexter Marshall* (almost one year); *William Marshall* (almost one year); *Shavon Williams* (eleven months); *Fannin* (eleven months); *Branson* (eleven months); *Charles Bailey* (almost eleven months); *Elizando* (more than ten months); *Trpevski* (ten months); *Baker* (ten months); *Frank* (ten months); *Rameeka Bell* (almost ten months); *Tolentino* (almost ten months); *Torres Byrd* (almost ten months).

some rare occasions the court denies the motion to reopen.⁸¹ In some districts the motion to reopen is treated like all other motions and is scheduled for hearing with objections to be filed no later than twenty-one days after service.⁸² If no objections are filed, the court enters the order reopening the case.⁸³ In some districts, although the motion to reopen does not require service, after the court grants the motion to reopen the debtor must then file a motion for discharge on regular notice.⁸⁴ Other districts treat these motions on an ex parte basis and the order may be issued immediately after the motion is filed,⁸⁵ although some debtors continue to provide notice

Sometimes the debtor's attorney does not file promptly after the case is closed to reopen the case even if the debtor has completed the course on personal financial management. In other cases, the debtor has not completed the course and the attorney files when the debtor is able to do so. Some of the delays are attributable to the court which sometimes fails to enter the discharge even after granting the motion to reopen.

⁸¹ See *Alston Weathers*, No. 19-52717 (Bankr. E.D. Mich. Sept. 5, 2019), Order, Doc. No. 23 and 25, filed Jan. 6 and Jan. 15, 2021 (noting that debtor failed to establish "cause" for reopening case); *Elizabeth I. Turner*, No. 19-12103 (Bankr. N.D. Miss. May 20, 2019), Order Denying Motion to Reopen and Enter Discharge, Doc. No. 18, filed July 24, 2020 (debtor misrepresented in motion that she had filed certificate); *Maurice W. Butterworth, Jr.*, No. 19-11554 (Bankr. E.D. Tenn. Apr. 12, 2019), Order, Doc. No. 27, filed May 1, 2020 (denying motion without comment). See also cases in notes 48 and 50 *supra*.

⁸² See, e.g., *Local Bankr. Rule 5010-1*, S.D. Ohio (Oct. 1, 2020); *Local Bankr. Rule 9013-1(h)*, E.D. Tenn. (Dec. 1, 2018); *Local Bankr. Rule 9013-1(c)(2)*, M.D. Tenn. (Dec. 1, 2016); *Local Bankr. Rule 5010-1*, E.D. Va. (Feb. 15, 2022); *Local Bankr. Rule 4004-3*, W.D. Mo. (Dec. 1, 2019); *Local Bankr. Rule 5010-1(d)*, N.D. and S.D. Miss. (Dec. 1, 2020); *Local Bankr. Rule 5010-1*, D.P.R. (May 16, 2013). Cf. *Local Bankr. Rule 9013-1(b)*, N.D. Ohio (May 16, 2011) (fourteen days).

⁸³ See, e.g., *Alison M. Knoeferl*, No. 19-11559 (Bankr. S.D. Ga. Nov. 20, 2019); *Frederick L. Burbee, Jr. and Kelli L. Burbee*, No. 19-40662 (Bankr. S.D. Ga. May 10, 2019); *Gabriel A. Ramirez*, No. 19-40606 (Bankr. S.D. Ga. May 2, 2019); *Tyler Mason White*, No. 19-20210 (Bankr. S.D. Ga. Mar. 25, 2019).

⁸⁴ See, e.g., *Telesforo Hurtado Carranza*, No. 19-41352 (Bankr. D. Neb. Aug. 7, 2019); *Heather Kristine Serrano*, No. 19-41151 (Bankr. D. Neb. July 3, 2019); *Bruce Anthony Amick*, No. 19-80732 (Bankr. D. Neb. May 13, 2019). See also, e.g., *Local Bankr. Rule 5010-1*, D.N.D. (Aug. 30, 2018) (no notice period for motion to reopen, but if motion is granted moving party must file and serve motion requesting entry of discharge on fourteen days' notice). Cf. *Corey Luke Bryant*, No. 19-13053 (Bankr. N.D. Miss. July 31, 2019); *Joseph Ross McMahon*, No. 19-10054 (Bankr. N.D. Miss. Jan. 7, 2019) (requiring separate motion for discharge, but not requiring 21 days' notice).

⁸⁵ See, e.g., *Local Bankr. Rule 5010-1(b)(2)* and *9013-2(q)(11)*, C.D. Cal. (Jan. 31, 2022); *Local Bankr. Rule 9013-3(j)*, S.D. Cal. Dec. 1, 2021; *Local Bankr. Rule 9013(b)*, W.D. Mich. (Feb. 1, 2019); *Local Bankr. Rules 9013-1(c)*, E.D. Ky. (Dec. 1, 2021); *Local Bankr. Rule 5010-1*, E.D. Mich. (Dec. 10, 2018); *Local Bankr. Rule 5010-1(e)*, N.D.N.Y. (Dec. 3, 2021); *Local Bankr. Rule 5010-1*, M.D. Pa. (April 6, 2021); *Local Bankr. Rule 5010-1(b)*, D. Vt. (Dec. 1, 2021); *Local Bankr. Rule 9013-1(d)(9)*, D. Ariz. (Aug. 1, 2018); *Local Bankr. R. 9013-1(b)(4)(ii)*, D. Hawaii (July 12, 2021); *Local Bankr. Rule 9013-1(h)(2)(U)*, D. Mon. (July 1, 2019); *Local Bankr. Rule 5010-1(a)*, E.D. Wash. (Aug. 1, 2012); *Local Bankr. Rule 5010-1(b)*, W.D. Wash. (Dec. 1, 2017); *Local Bankr. Rules Appendix "A"*, D. Neb. (Jan. 1, 2019); *Local Bankr. Rule 9013-1(b)*, Accompanying Orders List, M.D. Fla. (Oct. 15, 2020); *Local Bankr. Rule 9013-1(C)(20)*, S.D. Fla. (Dec. 1, 2020); *Local Bankr. Rule 9013-1(D)(12)*, E.D. La. (May 1, 2013); *Local Bankr. Rule 9007-1(a)*, E.D. Tex. (Feb. 19, 2020); *Local Bankr. Rule 9013-1(E)(ii)(III)*, D.D.C. (Jan. 5, 2022); *Gen. Pro. Order No. 2014-3*, D. Colo. (Mar. 24, 2014). Cf. *Local Bankr. Rule 5010-1*, D.N.H.

and an opportunity to object as for other motions. And they incur additional expense, both in the reopening fee⁸⁶ (unless they apply for and obtain a

(July 1, 2021) (court “will consider whether to act ex parte on the reopening or whether a hearing will be required”).

⁸⁶The Bankruptcy Court Miscellaneous Fee Schedule, available at <https://www.uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule>, currently specifies a \$245 fee to reopen a chapter 7 case. *Id.* ¶11. In 2019 the fee was \$260. The Fee Schedule states that “[t]he reopening fee must be charged when a case has been closed without a discharge being entered.” *Id.* It also states that “[t]he court may waive this fee under appropriate circumstances” *Id.*

waiver⁸⁷) and other than those who are acting pro se,⁸⁸ additional legal

⁸⁷ 28 U.S.C. § 1930(f)(1) allows a bankruptcy court to “waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line . . . applicable to a family of the size involved and is unable to pay that fee in installments.” The bankruptcy court is allowed to waive fees other than those payable upon commencement of a case prescribed by the Judicial Conference of the United States for bankruptcy cases. 28 U.S.C. § 1930(f)(2). Some districts, by local rule, require payment of a reopening fee as a condition to considering a motion to reopen a case closed without a discharge. *See, e.g.*, Local Bankr. R. 4004-2(B) and 4004-3, E.D. Mo. (Dec. 1, 2021).

Other than debtors who file their motion to reopen the case on a pro se basis, few debtors apply for a waiver of the reopening fee (except in the W.D. Tenn. where the request for a fee waiver is almost routine), which is surprising because the vast majority of those who apply for a fee waiver receive it. *Compare Wordlaw; Robert Wilson; Christopher Walton; Vester; Theresa Thomas; Nolan; Jevonzel Mitchell; Suenitra Joyner; Tarkesha Jones; Rhien Jones; Rachel Johnson; Hillard; Hall; Gross; Arthur Davis; Boswell; Culbreath; Amber Benson; Batts; Barnes; Patric Allen; Sanderson; Reyes; Stallard; Carson; Chastity Walden; Peters; Blewitt; Rushing; Whitehead; Bray; Logsdon; Angel Adams; Bryant; Shanay Hill; Sierra Edwards; Wilhelmina Edwards; Stieben; Westbrook; McKnight; Francisco Bell; Jody Benson; Lawson; Hasty; Bryan Robinson; Rush; Gooden; Ebony Jones; LaShawn Dixon; Seaberry; Moore-Shepherd; Emery; Mays; Keisha Jones; Grimm; Hurt; Johns; Odums; Tanesha Allen; Karena Jordan; Tyler; Kenyatta; Terence Green; Meeks; Cleveland; Ruby Johnson; Moore-Garrett; Danielle Campbell; Aishena Walker Orrell; Clarks; Gates; McKaye; McCuien; Krysten Jones; Sweeney; Beavers; Marshall Wood; Joshua Jackson; Tiffany Collins; Pamela White; Porter; Hobbs; Ivory; Delani Richardson; Ka'lyn Smith; Lisa Williams; Kemsuzian; Womble; Swift; Keen; Reynolds; Tillman; Treye Jones; Milton; Gregory; Hernton; Willie Mitchell; Ashley Brown; Harb; Paquin; Leah Smith; Madison; Theresa Lewis; Baldwin; Shadonna Anderson; Seafred Robinson; Hart; Victorya Lyons; Rollins; Dejanai Jones; Baker; Wesby; Soria; Marcia Franklin; Colley; Robert Bradley; Charles Smith; Skornia; Dennis; Sharon Robinson; Cortina Thomas; Genus; Tanksley; Weathers; Taneika Joyner; Marquonette Williams; Karl Tucker; Hines; Apryl Davis; Derrick; Bostic; Tiana Jackson; Andre Williamson; Bazzi; Kandle; Maliaka Jones; Jeremy Ross; Laportia Brooks; Eastwood; Whitehead; Keneisha Howard; Estes; Byrd; Barber; Lucas; Humphrey; Albahili; Glenn; Kirklin; Weber; Hohman; Reed-Horn; Mikeya Bailey; Daniel Henderson; Fluellen; Suggs; Tamarla Owens; Kimberly Sims; Ettinger; Hewin-Weaver; Mason; Kauffman; Burnett; Damien Evans; Hadfield; Niki Moore; Sherry Taylor; Phillips; Krieger; Latoya Bradley; Lett; Kobeissi; Tamara Martin; Wiley; Roberson-Lyons; Burt; Lintez; Abrams; Marsha Jenkins; Henson; Ansheree Hughes; Rakela Walker; Paehlig; Nicole Moore; Wilber; Marcel Clark (granting fee waiver) with Kendrea Thomas; Latoya Johnson; Kandis Johnson; Elion; Wells; Travis; Morgan Bennett; Briona Johnson; Haas; Bryan Carter; Saavedra; Jerry Jordan; Pearson; Griffin; Pope; McFadden; De'Eric Williams; Lisa Yates; Shauntella Brown; Paula Brown; Hitchcock; Aliza Johnson; Balfour; Kimberly King; Moten; Eric Anderson; Lipman; Armstrong; Farmer; Lepior; McNaughton; Timothy Bennett; Callella; Howell; Manning; Poellnitz; Hardiman; Michael Martin; Brittany Brown; Finley; Pierson; Shenesha Franklin; Mathis; Zaal; Dawn Richardson; Arington; Redmond-Magyar; Irby; Teaira Smith; Weeman; Lerico White; Woodards; Kolanowski; Rorex; Martell; Tabb; Deandrea Smith; Wilkie; Williams-Linzsey; Zachary Hill; Winebarger; Darius Smith; Kangas; Mclean; Dettloff; Ebone Williams; Sellers; Laster; Gilliam; Sain; Lezotte (denying fee waiver).*

⁸⁸ *See Southerland; Rhien Jones; Dean; Roosevelt Jackson; Walton-Smith; Fannin; Shanay Hill; Travis; Purdy; Sierra Edwards; Wilhelmina Edwards; Stieben; Westbrook; Craven; Stargell; Mucker; Eddins; Lawson; Hasty; Bryan Robinson; Gooden; Ebony Jones; Lashawn Dixon; Seaberry; Moore-Shepherd; Mays; Keisha Jones; Hurt; Tanesha Allen; Tyler; Kenyatta; Terence Green; Meeks; Moore-Garrett; Bryan Carter; Aishena Walker; Jerry Jordan; Griffin; Evans; Orrell; Hammoud; Clarks; De'Eric Williams; Gates; McCuien; Sweeney; Beavers; Tiffany Collins; Pamela White; Porter; Hobbs; Ivory; Delani Richardson; Ka'lyn Smith; Lisa Williams; Eric Anderson; Keen; Tillman; Treye Jones; Milton; Gregory; Willie Mitchell; Morgan Bennett; Leah Smith; Booker; Baldwin; Shadonna Anderson;*

expenses.

Finally, there are the debtors who fail to meet the deadline for submitting a certificate, see their cases closed without a discharge, and do not seek to reopen the case (either because they never take the course on personal financial management or because they cannot afford to move to reopen). Based on the empirical study discussed in Part II, there are thousands of those debtors.

For all of these debtors the problems would diminish considerably if the debtor had to take both courses at the same time prepetition, especially if the providers combined them into a single course and charged less than they currently charge for the two courses.

The burden on the courts is also clear. The exemption requirement is equally applicable to the credit counseling requirement of § 109(h) and the condition to discharge in § 727(a)(11) and § 1328(g). If the debtor satisfies the requirements for an exemption prior to the bankruptcy filing because, for example, the debtor has a disability or incapacity or active military duty, those circumstances are likely to persist for the duration of the bankruptcy case, a court may excuse both the credit counseling requirement and the requirement for completion of the postpetition course on financial management in a single order.⁸⁹ But currently the debtor may submit a separate application to excuse the postpetition course, increasing the burden on the court.⁹⁰ And often circumstances change after the petition is filed so that debtors who were able to take the prepetition credit counseling course claim to be unable to take the postpetition course on personal financial management. For example, the debtor may have been incarcerated,⁹¹ or

Seafred Robinson; Howell; Hart; Victorya Lyons; Rollins; Dejanai Jones; Soria; Colley; Robert Bradley; Charles Smith; Sharon Robinson; Mathis; Genus; Taneika Joyner; Marquenette Williams; Hines; Apryl Davis; Bostic; Tiana Jackson; Andre Williamson; Kendle; Maliaka Jones; Laportia Brooks; Eastwood; Whitehead; Barber; Humphrey; Glenn; Reed-Horn; Ettinger; Kauffman; Burnett; Damien Evans; Hadfield; Niki Moore; Sherry Taylor; Phillips; Layton; Fluellen; LaToya Bradley; Lett; Tamara Martin; Gilliam; Abrams; Sain; Henson; Lezotte; Nicole Moore; Marcel Clark.

⁸⁹ See, e.g., *In re Vollmer*, 361 B.R. 811, 815 (Bankr. E.D. Va. 2007) (excusing debtor who was incarcerated and had no access to telephone or computer other than collect calls); *In re Rendler*, 368 B.R. 1, 4 (D. Minn. 2007) (refusing to excuse incarcerated debtor from both courses); *In re Benincasa*, 386 B.R. 601, 602 (Bankr. D. Md. 2006) (excusing incapacitated debtor with state-appointed guardian); *In re Tate-William*, No. 05-90550, 2006 WL 5003857, at *1-*2 (Bankr. D. Md. Mar. 14, 2006) (excusing debtor from both courses when debtor was deaf and could not afford a sign language interpreter to participate in a briefing and no course could accommodate her disability).

⁹⁰ See, e.g., *In re Sugg*, 632 B.R. 779, 783 (Bankr. E.D. Mo. 2021) (motion to waive postpetition course filed six weeks after motion to waive credit counseling); *In re Powers*, No. 07-40865, 2008 WL 8792257, at *1 (Bankr. S.D. Ga. Feb. 27, 2008) (motion for exemption from financial management course filed four months after motion to waive credit counseling).

⁹¹ See, e.g., *In re Riffle*, No. 21-60250, 2021 WL 3437965 (Bankr. N.D. Ohio Aug. 4, 2021); *In re Schultz*, 627 B.R. 172 (Bankr. E.D. Wash. 2021); *In re Denger*, 417 B.R. 485 (Bankr. N.D. Ohio 2009);

developed medical problems,⁹² or died.⁹³ Whether the court excuses the financial management course or not, these cases would not exist if the courses were both taken before filing.

And the thousands of cases in which the debtor files a motion to reopen the case in order to file the certificate would disappear. Each of those cases represents time and expense for the court.

Therefore, the most straight-forward method of ensuring that all individual debtors (meaning all those individuals who actually file for bankruptcy protection) obtain the benefit of financial education is to require all financial education as a condition to filing for bankruptcy. This could be accomplished with a small modification to the Bankruptcy Code to unite the financial education provisions in § 109(h). Such an amendment would delete Sections 727(a)(11) and 1328(g) and modify § 109(h)(1) to read as follows:⁹⁴

“(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section other than paragraph (4) of this subsection, an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing of the petition by such individual, received from an approved

In re Goodwin, No. 08-82704, 2009 WL 6499330 (Bankr. N.D. Ga. Mar. 12, 2009); *In re Cox*, No. 07-10787, 2007 WL 4355254 (Bankr. M.D. Ga. Nov. 29, 2007); *In re Gates*, No. 07-25755, 2007 WL 4365474 (Bankr. E.D. Cal. Dec. 12, 2007). See generally Laura B. Bartell, *From Debtors' Prisons to Prisoner Debtors: Credit Counseling for the Incarcerated*, 24 EMORY BANKR. DEV. J. 15 (2008).

⁹² See, e.g., *Harriette Lenora Woodards*, No. 19-40943 (Bankr. E.D. Mich. Jan. 22, 2019), Motion, Doc. No. 20, filed Apr. 30, 2019 (debtor suffered massive stroke and suffered from vascular dementia thereafter); *In re Rundquist*, No. 12-13151, 2015 WL 730446, at *1 (Bankr. N.D. Ga. Jan. 23, 2015) (debtor claimed to be unable to complete course because he attempted to commit suicide and his son was handle his financial affairs); *In re Broner*, No. 12-61867, 2012 WL 5940272, at *1 (Bankr. N.D. Ohio Nov. 27, 2012) (debtor fell and was hospitalized and was now in nursing home); *In re Ferrell*, 391 B.R. 292, 294 (Bankr. D.S.C. 2008) (debtors had serious medical conditions); *In re Stockwell*, No. 06-10002, 2006 WL 1149182, at *1 (Bankr. D. Vt. Apr. 27, 2006) (debtor had seizures, was heavily medicated, and had become blind); *In re Faircloth*, No. 05-54214, 2006 WL 3731299, at *1 (Bankr. M.D.N.C. Dec. 18, 2006) (debtor had a stroke and heart attack and suffered from dementia).

⁹³ See, e.g., *In re Pollard*, No. 16-50278, 2016 WL 6651258, at *2 (Bankr. M.D.N.C. July 8, 2016) *In re Thomas*, No. 07-00097, 2008 WL 4835911, at *1 (Bankr. D.D.C. Nov. 6, 2008); *In re Henderson*, No. 06-52439, 2008 WL 1740529, at *1 (Bankr. W.D. Tex. Apr. 9, 2008); *In re Trembulak*, 362 B.R. 205, 207 (Bankr. D.N.J. 2007); *In re Robles*, No. 07-30747, 2007 WL 4410395, at *2 (Bankr. W.D. Tex. Dec. 13, 2007); cf. *Iris Strong*, No. 19-31176 (Bankr. W.D. Ky. Apr. 12, 2019) (Motion for Exemption from Financial Management Course, Doc. 14, filed July 17, 2019) (stating that husband, who helped debtor with credit counseling course, passed away recently). See generally Laura B. Bartell, *Bankruptcy and the Deceased Debtor: Rule 1016 in Practice*, 94 AM. BANKR. L.J. 523 (2020).

⁹⁴ In order to facilitate future research, I would suggest leaving current § 727(a)(12) and § 1328(h) with their current designations and put “[repealed]” after the heading for § 727(a)(11) and § 1328(g) as was done, for example, in § 110(c)(3) when it was repealed by BAPCPA.

nonprofit budget and credit counseling agency described in section 111(a) the following:

- (a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis; and
- (b) an instructional course concerning personal financial management described in section 111.”

Such an amendment would make several changes from the current provisions. Obviously, it would change the time during which the course on personal financial management would have to be taken. Currently, the time in which each of the courses must be taken is clear. The financial management course must be taken after filing the petition.⁹⁵ A debtor who seeks to submit a certificate demonstrating that the financial management course was completed before the debtor filed the bankruptcy petition are routinely denied discharge.⁹⁶ Rather than a postfiling requirement it would be a prefiling requirement and subject to the same 180-day limit as the current credit counseling requirement. Because both courses would be taken at the same time, one would hope that the approved nonprofit budget and credit counseling agencies that currently provide both courses would consolidate them into a single course, probably at a lower cost to the debtor than the current two courses.⁹⁷ This would also eliminate the confusion some debtors have experienced in differentiating between the two requirements.⁹⁸

⁹⁵ See § 727(a)(11) and § 1328(g)(1).

⁹⁶ See, e.g., *In re Norton*, No. 11-00864, 2012 WL 479096, at *1 (Bankr. D. Alaska Feb. 14, 2012) (course was taken after filing of prior bankruptcy but before current bankruptcy petition was filed).

⁹⁷ There is no doubt that this would result in a longer prefiling course (and potentially a more expensive one) at a time when the debtor—who is under financial stress and anxious to complete the steps to allow the bankruptcy filing—may have more limited mental bandwidth to absorb the information provided. But at least all debtors would get some exposure to the financial management module of debtor education, something that is not happening under the current practice.

⁹⁸ See, e.g., *Sandra June Ray*, No. 19-51397 (Bankr. E.D. Mich. Aug. 7, 2019) (Order of Court to Strike, Doc. 55, entered Nov. 18, 2019) (striking certificate of budget and credit counseling course submitted in lieu of financial management course certificate); *In re Johnson*, No. 06-40028, 2006 WL 1548627, at *1 (Bankr. N.D. Fla. Feb. 2, 2006) (vacating discharge granted when debtor filed certificate for financial management course that was copy of certificate for credit counseling briefing); *In re Morrow*, No. 05-90083, 2006 WL 6884431, at *1 (Bankr. W.D. Pa. Jan. 5, 2006) (striking debtor's certification of completion of instructional course concerning personal financial management when debtor had taken only prepetition credit counseling course); *In re Skarbek*, No. 05-90026, 2005 WL 3348879, at *1 (Bankr. W.D. Pa. Dec. 6, 2005) (striking debtor's certification of completion of instructional course concerning personal financial management when debtor had taken only prepetition

Second, the debtor would have the opportunity for a temporary exemption for both courses under § 109(h)(3). Currently there is no temporary exemption for the financial management course, but because the temporary exception in § 109(h)(3) extends for only 30 days (with a potential additional 15 days ordered by the court for cause), the financial management course would still be taken long before 60 days following the § 341 meeting, the date on which Federal Rule of Bankruptcy Procedure 1007(c) now requires submission of evidence that the course has been completed.

Third, the debtor would have to request a permanent exemption from completing both courses under § 109(h)(4) only once, rather than making a separate ruling under § 109(h)(4) and another under § 727(a)(11) or § 1328(g)(2).

The debtor would continue to have the obligation to complete a course on personal financial management and, to the extent that such a course is beneficial, the amendment would make it more likely that more debtors would actually complete the course as compared to the debtors whose discharge is withheld for failure to complete the course and who never seek to reopen their bankruptcy cases. Those who believe in the efficacy of the course should support such an amendment, as should those who advocate for a cheaper and quicker bankruptcy process for consumer debtors

IV. MODEST PROPOSALS FOR CHANGE

Any amendment to the Bankruptcy Code that is not triggered by a pandemic is difficult to achieve in the current political climate. Therefore, I suggest that if we must work within the current substantive provisions of the Code we could use procedural rules, forms and administrative policies to achieve a similar end, at least for chapter 7 debtors who make up the vast majority of those whose discharges are withheld for failure to submit a financial management certificate.

The first time an individual Chapter 7 debtor receives any formal communication from the court in connection with his or her bankruptcy filing is when they receive either Official Form 309A (Notice of Chapter 7 Bankruptcy Case – No Proof of Claim) or Official Form 309B (Notice of

credit counseling course); *In re Rodgers*, No. 05-90028, 2005 WL 3454702, at *1 (Bankr. W.D. Pa. Dec. 16, 2005) (striking debtor's certification of completion of instructional course concerning personal financial management when debtor had taken only prepetition credit counseling course); *In re Stidham*, No. 05-90040, 2005 WL 3454709, at *1 (Bankr. W.D. Pa. Dec. 16, 2005) (striking debtor's certification of completion of instructional course concerning personal financial management when debtor had taken only prepetition credit counseling course); *In re Granda*, No. 05-90038, 2005 WL 3348878, at *1 (Bankr. W.D. Pa. Dec. 6, 2005) (striking debtor's certification of completion of instructional course concerning personal financial management when debtor had taken only prepetition credit counseling course).

Chapter 7 Bankruptcy Case – Proof of Claim).⁹⁹ Although the notices are primarily directed at the creditors,¹⁰⁰ each expressly states in bold font that “This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.”¹⁰¹ Line 7 of this notice is the method by which debtors receive formal notice of the date, time, and location of their § 341 meetings. The marginal text associated with line 7 is expressly directed at the debtor and states: “Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.” In line 8 of Official Forms 309A and 309B, the clerk sets out various deadlines, such as for objecting to discharge, asserting that a creditor’s debt is not subject to discharge, objecting to the debtor’s claimed exemptions, and for filing proofs of claim, as applicable.

My first suggestion is to amend the two versions of Official Form 309 applicable to individuals filing under chapter 7 to add another provision to the line relating to deadlines to read as follows:

Deadline to File Financial Management Course
Certificate:

Filing deadline: _____

After filing for bankruptcy, the debtor must take an approved course about personal financial management and file the certificate showing completion of the course with the court.

That deadline is certainly as important to the debtor as the deadlines relating to objecting to discharge or dischargeability or filing proofs of claim are to the creditors. Providing the debtor early and official notice of the requirement would encourage early compliance.

My next suggestion relates to the § 341 meeting of creditors. The trustee is required to examine the debtor to ensure the debtor in a chapter 7 case is aware of the effect of discharge, among other things.¹⁰² Although there is no statutory directive that the trustee do so, there is no reason why the trustee cannot make sure the debtor is aware of the deadline for filing the certificate evidencing completion of the course on personal financial management. Informing the debtor of the existence of the deadline cannot be characterized as providing legal counsel. If the debtor appears to be

⁹⁹ Individual debtors filing under other chapters receive comparable forms. Other versions include Official Form 309E (Notice of Chapter 11 Bankruptcy Case); Official Form 309G (Notice of Chapter 12 Bankruptcy Case); and 309I (Notice of chapter 13 Bankruptcy Case).

¹⁰⁰ Indeed, each version uses the term “you” to refer to the creditor receiving it.

¹⁰¹ In each form this language appears as the second sentence/paragraph.

¹⁰² 11 U.S.C. § 341(d)(3).

unaware of the requirement for the financial management course, the § 341 meeting is a good time to make sure debtor's counsel focuses on the issue.¹⁰³

Third, I suggest that the notice required under Federal Rule of Bankruptcy Procedure 5009(b) be sent earlier than 45 days after the first date set for that meeting. Rule 1007(c) sets out the time by which a debtor must file the certificate evidencing completion of the financial management course. As previously discussed, the provision of Rule 1007(c) dealing with the evidence of the personal financial management course originally required that it be filed by a chapter 7 debtor "within 45 days after the first date set for the meeting of creditors."¹⁰⁴ The amendment to that provision increasing to 60 days after the first date set for the § 341 meeting for the certificate to be filed was intended to benefit chapter 7 debtors by giving them more time to complete the course and file. Presumably the 60-day period was selected to coincide with the requirements of Federal Rule of Bankruptcy Procedure 4004(c), which requires the bankruptcy court to "forthwith grant the discharge" in a chapter 7 case "on expiration of the times fixed for objecting to discharge and for filing a motion to dismiss the case under Rule 1017(e),"¹⁰⁵ those times being fixed at "no later than 60 days after the first date set for the meeting of creditors under § 341(a)."¹⁰⁶ Concurrently with that amendment, a new Federal Rule of Bankruptcy Procedure 5009(b) was adopted which requires that, if a chapter 7 or chapter 13 debtor has not filed the certificate within 45 days after the first date set for the meeting of creditors (formerly the deadline for filing for a chapter 7 debtor), the clerk must "promptly notify the debtor that the case will be closed without entry of a discharge" if the certificate is not filed by the deadline set forth in Rule 1007(c),¹⁰⁷ which for a chapter 7 debtor is fifteen days after the notice is sent.

¹⁰³ An even more dramatic approach might be to amend Rule 1007(c) to require the certificate be filed not later than the first date set for the § 341 meeting. If the trustee determines that the certificate has not been filed when the § 341 meeting is convened, the trustee can continue the meeting until the certificate is filed. Such an amendment would eliminate any need for notices under Rule 5009(b) and would encourage debtors to take the course and file the certificate early in the case when their lawyers (or the trustee, for pro se debtors) are there to explain the requirement and encourage compliance. *Cf. In re Bell*, 617 B.R. 364 (D. Colo. 2020) (suggesting that continuing the § 341 meeting was the appropriate response when the debtor did not have her social security card at the meeting).

¹⁰⁴ See text at note 37 *supra*.

¹⁰⁵ FED. R. BANKR. P. 4004(c)(1). The court is directed not to grant the discharge if, among other things, a complaint or motion has been filed seeking to deny the debtor a discharge or a motion to dismiss the case is pending (or a motion to extend the time to take those actions is pending). *Id.*

¹⁰⁶ FED. R. BANKR. P. 4004(a) and FED. R. BANKR. P. 1017(e)(1). The court, for cause may extend those deadlines. FED. R. BANKR. P. 4004(b)(1), FED. R. BANKR. P. 1017(e)(1).

¹⁰⁷ FED. R. BANKR. P. 5009(b). The timing of the notice was clearly dictated by chapter 7 cases, although the notice is also sent in chapter 13 cases (but not in chapter 11 cases of individual debtors, although they are required to file the certificate if § 1141(d)(3) applies, see FED. R. BANKR. P.

Since the amendment to Rule 1007(c) and the adoption of Rule 5009(b), the number of chapter 7 cases closed without a discharge because of the debtor's failure to file the certificate on a timely basis—although still high—has plummeted. For example, 299 chapter 7 cases filed in the First Circuit in 2009 (the last full year before the amendments took effect) were coded “O” or “N” in the FJC Database, meaning they were closed without a discharge because of the failure to file the certificate. Only 29 chapter 7 cases filed in the First Circuit in 2019 were so coded. This is a dramatic reduction in the number of debtors whose discharge was withheld.

But the increased compliance with the deadline may be attributable not so much to the longer period provided in Rule 1007(c) but to the newly-adopted Rule 5009(b) providing an official notice from the clerk to the chapter 7 debtors who had failed to file the certificate within 45 days after the first date scheduled for the meeting of creditors. Although most chapter 7 debtors file their certificates within that period (and therefore have no need of the extended period for filing), many others now file shortly after they receive the Rule 5009(b) notice, and a significant number file just after the case is closed, suggesting that the fifteen days following the Rule 5009(b) notice was not quite enough time to complete the course and get the certificate filed.

There is a benefit to the clerk of delaying the Rule 5009(b) notice to the date that is 45 days after the first date set for the § 341 meeting in that no notice need be sent to the majority of chapter 7 debtors who have filed their certificates by that date. But for those chapter 7 debtors who have not filed their certificate in that 45-day period, the timing of the notice is problematic. By the time the notice is received the debtor and debtor's attorney have undoubtedly turned to other matters; the financial management course and certificate are no longer a priority.¹⁰⁸ The notice sent by the clerk under Rule 5009(b) may not reach the debtor or may be delayed by changes in address or circumstances. Because the debtor does not have CM/ECF access, the notice will be sent by mail, and delays in the postal service are legion. Even if the notice is timely received, it may be misunderstood or ignored by the debtor. The debtor is unlikely to have any contact with the debtor's attorney so long after the § 341 meeting, and it is much more likely

1007(b)(7)(B)). The purpose of notifying a chapter 13 debtor 45 days after first date set for the § 341 meeting that the case will be closed if the debtor fails to provide the required certificate “no later than the date when the last payment [is] made by the debtor as required by the plan or the filing of a motion for a discharge under ... § 1328(b) of the Code” (the deadline for submission in a chapter 13 case under Fed. R. Bankr. P. 1007(c)) is to encourage early compliance with the requirement, even though the deadline may occur three to five years in the future. See 11 U.S.C. § 1322(d).

¹⁰⁸ See Jennifer Emens-Butler, *Bankruptcy Reform, Part II: Chicken Little Still Looking Skyward* ..., 33 Vt. B. J. 28, 31 (Spring 2007) (referring to the “short-lived attorney-client relationship that bankruptcy provides”).

that the certificate will not be filed than if the debtor had received the notice earlier when the debtor and counsel were still in regular contact, and it is less likely that life events have intervened.

If only one notice can be sent under Rule 5009(b) (and, as discussed below, having a second notice sent to those debtors who have not submitted their certificates in response to the first notice is an even better approach), that notice should be sent earlier to make it more likely to have the desired effect. I suggest that the notice be sent thirty days after the order for relief. The § 341 meeting in a chapter 7 case is scheduled no fewer than twenty-one and no more than forty days after the order for relief.¹⁰⁹ Sending the notice thirty days after the order for relief should put it in the debtor's hands at a time when the debtor has just attended, or is about to attend, the § 341 meeting with his or her lawyer, and will give the debtor the opportunity to have the lawyer explain its import and encourage the debtor to complete the course.

Fourth, I suggest that any notice sent to a chapter 7 debtor under Rule 5009(b) be required to include a definite date on which discharge will be withheld if the debtor fails to file the financial management certificate. Although some districts include such a date,¹¹⁰ many others simply parrot the language of Rule 1007(c), stating that the certificate is due "within sixty days after the first date set for the meeting of creditors under § 341 of the Code."¹¹¹ Debtors are unlikely to know what date was the "first date set for the meeting of creditors" and, even if they do, are unlikely to pull out a calendar and count sixty days from that date, or understand the operation of Federal Rule of Bankruptcy Procedure 9006(a) on computing time. If they see a specified date, they are more likely to communicate with their lawyer about what they have to do before that date occurs, and therefore

¹⁰⁹ FED. R. BANKR. P. 2003(a).

¹¹⁰ *See, e.g.*, Notice of Failure to File a Statement of Completion of Course in Personal Financial Management, N.D. Miss. (stating that the failure to file within fourteen days from the date of the notice will result in the case being closed without a discharge, and providing the "DATE OF ISSUANCE: [DATE]" in capital letters); Notice of Requirement to File a Certification About a Financial Management Course, N.D. Okla. (includes in bold font "Form 423 is due on or before: [date]."); Notice of Requirement to File Certification About a Financial Management Course, M.D. Penn. (states that "If the Certification is not filed on or before [date], this case may be closed without a discharge").

¹¹¹ *See, e.g.*, Notice of Requirement to File a Certification about a Financial Management Course, E.D. Mich. (stating that the debtor(s) "must file Official Form 423 within 60 days after the first date set for the meeting of creditors under § 341 of the Code."); Notice of Requirement to File a Certification of Completion of Course in Personal Financial Management, S.D. Ill. (notifying debtor(s) that form must be filed "within 60 days after the first date set for the meeting of creditors"); Notice of Requirement to File a Certification About a Personal Financial Management Course, S.D. Ga. (stating that debtor(s) must file Official Form 423 within 60 days after the first date set for the meeting of creditors under § 341 in a Chapter 7 case").

are more likely to complete the course. Therefore, I would amend Rule 5009(b) to read as follows:

(b) Notice of Failure to File Rule 1007(b)(7) Statement.

If an individual debtor in a chapter 7 or 13 case is required to file a statement under Rule 1007(b)(7) and fails to do so before 30 days after the order for relief, the clerk shall promptly notify the debtor that the case will be closed without entry of a discharge unless the required statement is filed—

(i) in the case of a chapter 7 debtor, no later than the date specified in such notice, which date will be sixty days after the first date set for the meeting of creditors, and

(ii) in the case of a chapter 13 debtor, within the applicable time limit under Rule 1007(c).

Next, even if no rule change were made, I suggest that districts adopt as a matter of their own practice additional steps to maximize the likelihood that chapter 7 debtors will actually complete the instructional management course and submit evidence of having done so. As an example, I offer the practices of the bankruptcy court in the Middle District of North Carolina which had no chapter 7 cases filed in 2019 (or chapter 13 cases) shown on the IDB as “O” (“Discharge Withheld for Failure to Submit Certification of Financial Management Course”) or “N” (“Discharge Withheld for Failure to Submit Certification of Financial Management Course and Pay Domestic Support Obligation”). The practice in that district is to send to the debtor a “Notice of Requirement for Financial Management Course” six days after the conclusion of the § 341 meeting as a “reminder” of the debtor’s obligation to complete the course. It states in italics that “*The Certificate must be filed within 60 days after the first date set for the § 341 Creditors Meeting.*”¹¹² It also warns the debtor that the order for discharge cannot be entered if the debtor does not comply and that the case may be closed without a discharge. The notice also directs the debtor to a list of approved providers on the court’s website.

A second notice, that required by Rule 5009(b), is sent on the 46th day after the first date set for the § 341 meeting. This one is characterized as a “Final Notice” and repeats the information provided by the first notice but emphasizes in bold, underlined typeface that “**A review of this case reflects that the Certificate has not been filed in this case.**”

¹¹² As discussed above, I would suggest that such notice include a specific date for each debtor rather than using the language of Rule 1007(c).

If the debtor fails to submit the Certificate by the 60th day after the first date set for the § 341 meeting, instead of closing the case administratively, the bankruptcy judges in the M.D.N.C. issue a show case order and notice of hearing ordering the debtors and their attorneys to appear for a hearing at a specified time and place to show cause why the case should not be closed without entry of a discharge. The judges are generous in postponing the hearing when the attorneys are having difficulty locating their clients, and in almost all cases the process eventually results in presentation of the missing Certificate and grant of a discharge.

Such a system does require multiple notices from the clerk (at least for debtors who do not act in response to the first notice) and more judicial time than the processes used by most districts, but it is singularly effective at ensuring that chapter 7 debtors are not denied discharges because of failure to complete the financial management course and submit the required certificate.

Finally, I suggest that the Executive Office for United States Trustees modify their requirements for approval of instructional courses concerning personal financial management to deny approval unless the provider of the course is both capable of filing the certificate evidencing completion of the course directly with the court through CM/ECF, and undertakes to file all certificates for debtors who complete their course without additional charge. In too many cases debtors think that the provider is filing the certificate but that is not true, or the debtor or the debtor's lawyer misplace the certificate, or file it under the wrong code. If all providers were responsible for filing the certificates with the court within a specified number of days after course completion, many more chapter 7 debtors would meet the requirements of § 727(a)(11) and Federal Rule of Bankruptcy Procedure 1007(c) and would get their discharges.

V. CONCLUSION

The goal of requiring debtors to complete a postpetition course in personal financial management was never to deny the debtors a discharge. The proponents of the amendments in BAPCPA sought to identify a target group of students who had most need of financial education (that being individuals who had filed for bankruptcy protection presumably because they lacked basic skills in managing their finances) and force them to take a course that would minimize the likelihood that they would return to the bankruptcy court because of future mistakes. Whatever fallacies underly that proposition (perhaps the largest being the conviction that individuals file for bankruptcy protection because they have inadequate skill at managing their finances), the amendments were not intended to create a barrier to discharge for thousands of debtors a year, and yet that is exactly

what they have done. The only way those thousands of debtors whose cases were closed without a discharge can obtain relief is either to seek to reopen their cases to file their certificates – days, weeks, or months after they were initially closed – at additional cost to them and additional burden to the bankruptcy courts, or file a new bankruptcy case, again at incremental cost to them and additional burden to the bankruptcy courts.

It would be in everyone's best interests if the number of debtors whose discharges are withheld on this basis was reduced. Short of eliminating the debtor education requirements, which many have advocated, the best approach would be to amend the Code to consolidate the existing credit counseling course and the postpetition financial management course as a single prepetition eligibility requirement (which ensures that 100% of all debtors who are not excused from taking the course under § 109(h) obtain the financial education the proponents sought to impose on them). If that is not politically feasible, I make more modest proposals to get information to the debtors about the requirement earlier (on Official Form 309, at the § 341 meeting and through a notice from the clerk sent immediately thereafter which tells the chapter 7 debtor exactly when the certificate must be filed) when the relationship between the debtor and the debtor's attorney is an active one and the attorney can explain what is needed and encourage compliance. Although I suggest a rule change to advance the date of the required notice or add an earlier notice to the existing one, even if the rule change is not made I encourage courts to follow the lead of the bankruptcy court in the Middle District of North Carolina by providing multiple notices, one immediately after the § 341 meeting and another on the 46th day thereafter. I also encourage the Executive Office for United States Trustees to put the burden on the course providers of filing certificates of course completion directly with the court as a condition of remaining approved.

Thousands of debtors who need a discharge are not getting it – or are having to pay a lot more to get it—for a reason that makes no sense. That situation should not continue. If we cannot take big steps to stop it, we should take little ones.