

Trustee's Motion To Sever Case

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

INTRODUCTION

If debtors are not eligible to file jointly under 11 USC 302, use the Motion to Sever Case (Chapter **) event and follow the procedures below. If severing for any other reason (i.e. one debtor in a joint case failed to attend the meeting of creditors), do not continue. Instead, use the Motion to Dismiss Case event.

PROCEDURE

- STEP 1.** Click on **Bankruptcy** on the ECF Main Menu Bar.
- STEP 2.** Click on **Motions/Applications**.
- STEP 3.** The **Case Number** screen displays.
- Insert the case number using the YY-NNNNN format.
 - Click **Next**.
- STEP 4.** Confirm the debtors' names and case number are correct.
- Select the **Sever Case (Chapter **)** from the event list.
 - Click **Next**.
- STEP 5.** The **Party Selection** screen displays.
- Select the trustee.
 - Click **Next**.

STEP 6. The screen displays the following guidance:

If you are seeking to dismiss one party in a joint case for failure to complete Meeting of Creditors, do not continue. Instead, file a Motion to Dismiss Case.

If you are severing the case because the debtors are not eligible to file jointly under 11 USC 302, you must prepare a document to file with this event.

- Click **Next**.

STEP 7. Answer the question:

- Does this filing include an affidavit, declaration, certification, brief or memorandum? (Defaults to **No**)

STEP 8. Click **Browse** to select the appropriate PDF to attach.

STEP 9. The **Docket Text: Modify as Appropriate** screen displays.

- Use the drop down list to select any extra information that may be required to complete the docket text, use the free text box (up to 30 characters) to add important information such as the debtor to be severed, or leave both blank.
- Click **Next**.

STEP 10. The **Docket Text: Final Text** screen displays.

- Confirm the docket text is correct.
- Click **Next**.

STEP 11. The **Notice of Electronic Filing** screen displays.

NOTE: The court will issue a Notice of Proposed Severance of Case indicating the debtors are not eligible to file jointly under 11 USC 302. The debtors have 21 days to respond. If no response is received, the case will be severed.