

LOCAL RULE 1017-2: DISMISSAL OR SUSPENSION- CASE OR PROCEEDING

- (a) **Dismissal for failure to pay filing fee or file documents.** The Court may enter an order dismissing a voluntary case upon the certification by the Clerk of Court, the United States Trustee, or the case trustee that the debtor failed to pay the filing fee pursuant to Fed. R. Bankr. P. 1006 or failed to file or provide lists, schedules, statements, and other documents required pursuant to 11 U.S.C. § 521 or SC LBR 3015-4 within the time periods established therein or by Fed. R. Bankr. P. 1007(c) and 1019(1)(B).
- (b) **Dismissal for failure to attend a Meeting of Creditors.** In a voluntary case, upon certification to the Court by the United States Trustee or case trustee that either the debtor or attorney for the debtor has not appeared at the meeting of creditors, a continued meeting of creditors, or a special meeting of creditors, or that the debtor or attorney for the debtor has appeared but was unprepared to proceed, the Court may dismiss the case without further notice or hearing.
- (c) **Dismissal for failure to provide financial information.** In a voluntary chapter 7 case, upon certification by the United States Trustee or case trustee that the debtor failed to provide required documentation and financial information, including tax returns, at the meeting of creditors pursuant to Fed. R. Bankr. P. 4002 or otherwise as required by statute or rule, the Court may dismiss the case without further notice or hearing.
- (d) **Dismissal for failure to timely file, distribute, or confirm plan.** The Court may enter an order dismissing or converting a chapter 13 case if confirmation of the plan is denied or upon the certification by the Clerk of Court, the United States Trustee, or the case trustee that the debtor has failed to timely meet the filing requirements of Fed. R. Bankr. P. 3015(b).
- (e) **Motion to Dismiss or Convert Pursuant to 11 U.S.C. § 1112.** Any party filing a motion to dismiss or convert a case pursuant to 11 U.S.C. § 1112 shall ensure that the Court has an available hearing date within the time required by statute, the Federal Rules of Bankruptcy Procedure, and the Local Rule or shall specially request by separate emergency motion that such a hearing be scheduled. The absence of such a request shall be deemed a waiver of the scheduling and ruling deadlines imposed by the statute and the rules.
- (f) **Notice.** Notice of this local rule shall be provided in the Notice of Meeting of Creditors.

Notes:

(2008) Portions of former SC LBR 1007-2, 2003-1, and 3015-2 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Paragraph (d) was amended to include cause for dismissal or conversion currently included in the Meeting of Creditors Notice. Paragraph (e) was added and former paragraph (e) was moved to paragraph (f).