



U.S. Bankruptcy Court, District of Minnesota

Rule 5010-1. [ABROGATED]

[Effective May 15, 1997. Amended effective January 1, 2002; January 6, 2006; October 1, 2019. Abrogated effective September 4, 2024.]

2024 Advisory Committee Notes

Local Rule 5010-1 was abrogated to ensure consistency with 11 U.S.C. § 350(b) and Fed. R. Bankr. P. 5010. Subsections (a) and (b) were removed as 11 U.S.C. § 350(b) states the grounds for reopening a case, including to administer assets, to accord to relief to the debtor, or for other good cause. *See also In re Johnson*, 500 B.R. 594, 597 (Bankr. D. Minn. 2013) (“A motion to reopen a bankruptcy case should be granted only where there is a compelling reason.”). The 1983 Advisory Committee Notes to Fed. R. Bankr. P. 5010 further state, “Although a case has been closed the court may sometimes act without reopening the case. Under Rule 9024, clerical errors in judgments, orders, or other parts of the record or errors therein caused by oversight or omission may be corrected. A judgment determined to be non-dischargeable pursuant to Rule 4007 may be enforced after a case is closed by a writ of execution obtained pursuant to Rule 7069.” Subsection (c) was removed as Fed. R. Bankr. P. 5010 states “[a] case may be reopened on motion of the debtor or other party in interest” Finally, subsection (d) was removed as the Bankruptcy Court Miscellaneous Fee Schedule, available on www.uscourts.gov, lists several instances where the reopening fee must not be charged, such as: (1) to permit a party to file a complaint to obtain a determination under Fed. R. Bankr. P. 4007(b); (2) when a debtor alleges a violation of the terms of the discharge under 11 U.S.C. § 524; or (3) to redact a record already filed in the case under Fed. R. Bankr. P. 9037. The Bankruptcy Court Miscellaneous Fee Schedule further notes, “The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets. If payment is deferred, the fee should be waived if no additional assets are discovered.” Waiver is governed by 28 U.S.C. § 1930(f).