

From: [Newman, David W. \(USTP\)](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: Debtor's Failure To Appear At 341 Meetings
Date: Wednesday, June 12, 2019 11:53:25 AM

Dear Trustees,

The United States Trustee has filed Section 707(a) motions to dismiss chapter 7 cases when the debtor failed to appear at meetings of creditors. Historically, one of the reasons the United States Trustee handled these motions was to relieve trustees from having to appear at hearings on the motions. Some years ago, the Local Bankruptcy Rules were changed. As a result, Section 707(a) motions are now filed on negative notice. The United States Trustee continued to file the motions but would coordinate with the chapter 7 trustee to ensure that potential asset cases were not dismissed, etc. In order to make this process more efficient, going forward, chapter 7 trustees should assume responsibility for filing Section 707(a) motions to dismiss based on the debtor's failure to appear at a meeting of creditors. The United States Trustee will no longer file these motions. Our experience indicates that the volume of such motions is relatively low. Objections to these motions have been rare and I don't think I can recall even one instance where a negative noticed motion went to a hearing. Occasionally, you may be contacted by the debtor / debtor's counsel in response to such a motion with an explanation of why the debtor failed to appear. We trust that you will exercise wise discretion in deciding whether to withdraw the motion to dismiss in such circumstances. I will also note that the Judges are sometimes reluctant to dismiss a case when it appears the debtor is proceeding in good faith and will appear at a continued meeting of creditors.

Thank you for your continued diligent service.

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