

Rule 1017-2

Dismissal for Lack of Prosecution

(a) Want of Prosecution Defined. For purposes of Fed. R. Bankr. P. 1017, the term “want of prosecution” shall include, but is not limited to:

(1) failure to file lists, schedules, and statements within the time allowed by Interim Fed. R. Bankr. P. 1007;

(2) failure of a debtor that is a corporation to be represented by counsel within the time set by order of the court;

(3) failure to pay any required filing fee in a timely fashion;

(4) failure to prosecute in a timely and diligent manner the filing of a plan, disclosure statement, or other document or pleading, as required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Interim Federal Rules of Bankruptcy Procedure, these LBRs, or orders of the court;

(5) failure of a party or counsel to appear at a hearing before the court, upon notice or order;

(6) failure of the debtor to appear at the initial § 341 meeting, or any continued meeting; and

(7) failure to abide by any court order requiring the filing of papers, or payment of fees, costs, or sanctions.

(b) Sua Sponte Action by the Court. The court may dismiss a case for lack of prosecution on its own motion – after notice to the debtor, the debtor’s attorney (if any), and all creditors, unless the debtor cures the deficiency in a timely fashion and/or the debtor or any other party in interest requests a hearing within fifteen (15) days of service of the notice of intent to dismiss. An exception to this subsection is the automatic dismissal as permitted by LBR 1007 (d) & (e).