

[THIS IS PROVIDED AS A FORM OF MOTION THAT COMPLIES WITH THE COURT'S STANDING ORDER REGARDING EX PARTE MOTIONS OR APPLICATIONS; RESPONSE DEADLINES AND CERTIFICATES OF SERVICE. THIS IS FOR ILLUSTRATION PURPOSES ONLY. **FILING INSTRUCTIONS FOLLOW THE MOTION** A SINGLE PLEADING INCORPORATING BOTH A CERTIFICATE OF SERVICE AND NOTICE OF HEARING WILL BE MANDATORY FOR ALL MOTIONS SET FOR DEFINITIVE HEARING AFTER JUNE 1, 2016.]

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

IN RE: §
§
Debtor 1 § Case No. 12-12345
Debtor 2 §
§
Debtors § Chapter 13

**MOTION TO VACATE DISMISSAL ORDER PURSUANT TO FRCP 59
NOTICE OF HEARING AND RESPONSE DEADLINE**

A hearing has been set on [Date] at [Time] at the [United States Courthouse, Courtroom Four, 300 Fannin St. Shreveport, LA 71101] or [United States Courthouse, Bankruptcy Courtroom 201, Jackson Street, Monroe, Louisiana 71201].

Debtor 1 and Debtor 2 have filed papers with the court to obtain an order vacating a dismissal order pursuant to FRCP 59. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/application/objection, then **on or before seven days from the hearing date set forth for the motion**, you must file with the court a written response explaining your position by mailing your response by regular U.S. Mail to Clerk United States Bankruptcy Court, 300 Fannin St. Shreveport, Louisiana 71101 OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the date set above.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:
Attorney Name, Esq. 123 Main St. Shreveport, LA 71101 and
Lucy Sikes, Chapter 13 Trustee, address.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION/OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF WITHOUT FURTHER HEARING OR NOTICE.

Now comes Debtor 1 and Debtor 2, who move this Court to vacate the dismissal of their case pursuant to FRCP 59 for the reasons listed below.

1. Debtor 1 and Debtor 2 filed bankruptcy on January 1, 2016. The debtors' Chapter 13 plan was confirmed on April 1, 2016. The case was dismissed for **nonpayment** on August 1, 2016.

2. Debtors have tendered sufficient sums to pay the Chapter 13 plan payment current. Payments have been received by the Chapter 13 Trustee and are currently posted to the Chapter 13 Trustee website.

3. Cause exist for vacating the dismissal order entered August 1, 2016. Federal Rule of Civil Procedure 59(a)(2) provides that the Court may alter or amend “any judgment for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.” This motion to vacate is timely filed pursuant to Bankruptcy Rule 9023.

Wherefore the debtors pray that the Court vacate the order of dismissal entered on August 1, 2016 (Docket No. 12).

Respectfully submitted,

Attorney Name, Esp.
123 Main St.
Shreveport, LA 71101
123-456-7890

CERTIFICATE OF SERVICE

I hereby certify that on (month), (day), (year), a copy of the foregoing (specific name of filing) was served on the following registered ECF participants, electronically through the court’s ECF System at the email address registered with the court:

(Name)

Lucy Sikes, Chapter 13 Trustee

U.S. Trustee

and on the following by ordinary U.S. Mail addressed to:

(Name)

(Mailing address)

(Name)

(Mailing address)

/s/ Attorney Name, Esq.
Attorney Name, Esq.

FILING INSTRUCTIONS

1. Log in to CM/ECF.
2. Choose Bankruptcy.

ECF Bankruptcy Adversary Query Reports Utilities Search Logout

Docket Sheet Claims Register List of Creditors Deadlines/Hearings Calendar Events 3/29/2016 Associated Cases

U.S. Bankruptcy Court
Western District of Louisiana
Official Court Electronic Document Filing System

Notice: This Red Hat 6.6 Centralized TRAIN database is operating at Version 5.1 with CM/ECF E-Orders

3. Choose “Motions/Applications.”

Bankruptcy Events

Begin A Case
[BK Open New Voluntary Case Plan/Disclosure Statement](#)

Creditors
[Enter Individual Creditors](#)
[Upload list of creditors file](#)
[Edit Creditors](#)

Action Upon A Case
[Appeal](#)
[Involuntary Answer](#)
[Motions/Applications](#)
[Notices](#)
[Objection/Response](#)
[Other BK Documents](#)

Claim Processing
[Claims Related Events](#)
[Claims File Single](#)

Proposed Orders
[Order Upload](#)

Trustee Filings
[Trustee/US Trustee Documents](#)

Court Events
[Case Management](#)
[Miscellaneous Documents](#)
[Order - Motion/Application](#)
[Order - Sua Sponte](#)

4. Choose Motion Title (i.e. “Vacate”), click “Next.”

Start typing to find another event. Hold down Ctrl to add additional items.

Available Events (click to select events)

- Stay
- Stay Pending Appeal
- Strike
- Substitute Attorney
- Substitute Collateral
- Suspend Chapter 13 Payments
- Termination or Absence of Stay
- Transfer Case
- Transfer Case (Intra-District)
- Turnover
- Use Cash Collateral
- Utility Service
- Vacate**
- Vacate Discharge
- Wage Deduction
- Waive Appearance
- Waive Chapter 7 Filing Fee
- Waive Local Bankruptcy Rules
- Waiver of Credit Counseling

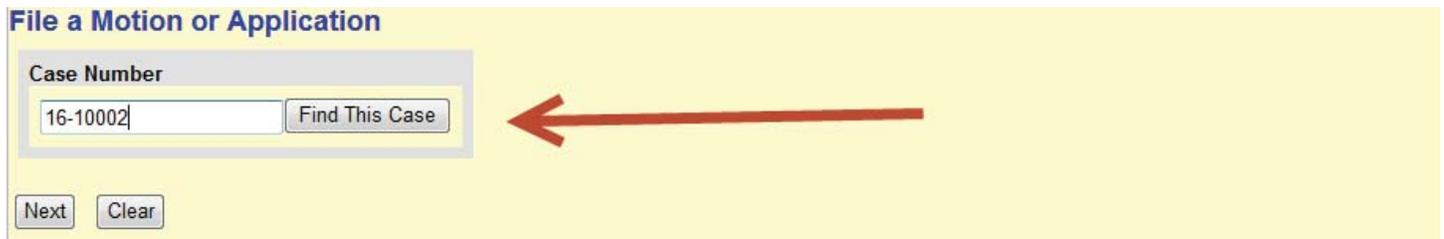
Next Clear

5. Insert case number, click "Next."

File a Motion or Application

Case Number
16-10002 Find This Case

Next Clear



6. Double check your filing, click "Next."

File a Motion or Application

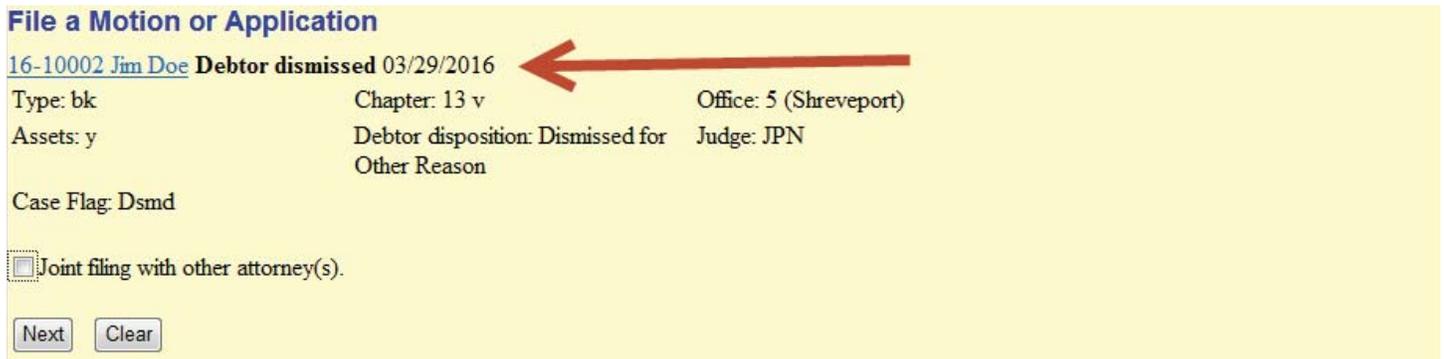
16-10002 Jim Doe Debtor dismissed 03/29/2016

Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Judge: JPN
Other Reason

Case Flag: Dsmd

Joint filing with other attorney(s).

Next Clear



7. Select the Party or Add/Create New Party, click "Next."

File a Motion or Application:

16-10002 Jim Doe Debtor dismissed 03/29/2016

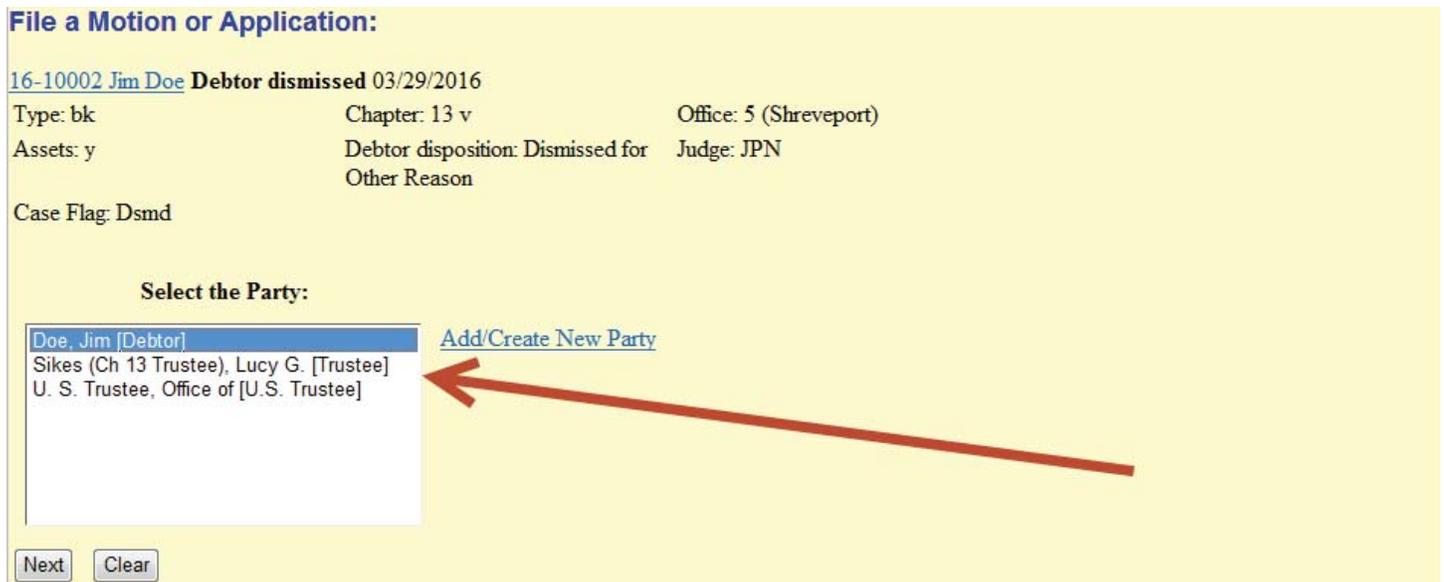
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Judge: JPN
Other Reason

Case Flag: Dsmd

Select the Party:

Doe, Jim [Debtor] Add/Create New Party
Sikes (Ch 13 Trustee), Lucy G. [Trustee]
U. S. Trustee, Office of [U.S. Trustee]

Next Clear



8. Confirm your selections, click "Next."

File a Motion or Application:

16-10002 Jim Doe Debtor dismissed 03/29/2016

Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Judge: JPN
Other Reason

Case Flag: Dsmd

IMPORTANT: The following attorney/party association(s) will be created in this case. De-selecting a party association will result in the filing attorney NOT receiving Notices of Electronic Filing for that party. If this is a joint filing, review the list carefully to ensure that only parties represented by the filing attorney are selected.

Doe, Jim(pty:db) represented by Cook, Robert W. (aty)

Next Clear



9. Upload your PDF file, click “Next.”

File a Motion or Application:

[16-10002 Jim Doe Debtor dismissed 03/29/2016](#)

Type: bk	Chapter: 13 v	Office: 5 (Shreveport)
Assets: y	Debtor disposition: Dismissed for Other Reason	Judge: JPN

Case Flag: Dsmd

Filename
C:\Users\jnorman\Desktop\Form Motion.p 

Attachments to Document: No Yes

10. Select Check Box if Certificate of Service was filed with this Document, click “Next.”

File a Motion or Application:

[16-10002 Jim Doe](#)

Type: bk	Chapter: 13 v	Office: 5 (Shreveport)
Assets: y	Judge: JPN	Case Flag: FeeDueBK, DebtEd

Select Check Box if Certificate of Service WAS Filed with this Document.

with Certificate of Service 

11. Double check your filing, click “Next.”

File a Motion or Application:

[16-10002 Jim Doe Debtor dismissed 03/29/2016](#) 

Type: bk	Chapter: 13 v	Office: 5 (Shreveport)
Assets: y	Debtor disposition: Dismissed for Other Reason	Judge: JPN

Case Flag: Dsmd

If this motion requires a hearing, please contact the Clerk’s office or check the court’s website.
Chamber Preset hearings are available for Shreveport all chapters and Monroe chapters 7, 11, & 12 cases through Reports in CM/ECF.

12. Select the appropriate event, click “Next.”

File a Motion or Application:

[16-10002 Jim Doe Debtor dismissed 03/29/2016](#)

Type: bk	Chapter: 13 v	Office: 5 (Shreveport)
Assets: y	Debtor disposition: Dismissed for Other Reason	Judge: JPN

Case Flag: Dsmd

Select the appropriate event(s) to which your event relates:

03/29/2016 6 Order Dismissing Case in regard to Debtor. Filed on 3/29/2016 (tom) 

13. Select Check Box if Notice of Hearing is Included with this Document, click “Next.”

File a Motion or Application:

16-10002 Jim Doe Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed Judge: JPN
for Other Reason
Case Flag: Dsmd

Select Check Box if Notice of Hearing is Included with this Document.

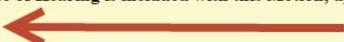
Notice of Hearing 

14. Review the Reminder on this screen as you must still enter an appropriate hearing, click “Next.”

File a Motion or Application:

16-10002 Jim Doe Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed Judge: JPN
for Other Reason
Case Flag: Dsmd

Reminder! If a Notice of Hearing is included with this Motion, upon completion of filing, go to Notices and enter the appropriate Hearing Set.



15. Modify the filing if necessary, click “Next.”

File a Motion or Application:

16-10002 Jim Doe Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed Judge: JPN
for Other Reason
Case Flag: Dsmd

Docket Text: Modify as Appropriate.



with Certificate of Service and Notice of Hearing Filed by John Smith on behalf of Jim Doe (Norman, Jeffrey)

16. Finalize the filing of the Motion, click “Next.”

File a Motion or Application:

16-10002 Jim Doe Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed Judge: JPN
for Other Reason
Case Flag: Dsmd

Docket Text: Final Text

Motion to Vacate (Re: [6] Dismissal) with Certificate of Service and Notice of Hearing Filed by John Smith on behalf of Jim Doe (Norman, Jeffrey)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.



17. The Motion is now filed, but you must still set an appropriate hearing. The notice of electronic filing is displayed. If you do not set a hearing, **your motion will not be heard.**

File a Motion or Application:

[16-10002 Jim Doe Debtor dismissed](#) 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN
Case Flag: Dsmid

U.S. Bankruptcy Court
Western District of Louisiana

Notice of Electronic Filing

The following transaction was received from John Smith entered on 3/29/2016 at 12:16 PM CDT and filed on 3/29/2016
Case Name: Jim Doe
Case Number: [16-10002](#)
Document Number: [7](#)

Docket Text:
Motion to Vacate (Re: [6] Dismissal) with Certificate of Service and Notice of Hearing Filed by John Smith on behalf of Jim Doe (Norman, Jeffrey)

18. You must now set an appropriate hearing. Select Bankruptcy.

ECF Bankruptcy Adversary Query Reports Ut

[Docket Sheet](#) [Claims Register](#) [List of Creditors](#) [Deadlines/Hearings](#) [Calendar Events](#) 3/29/2016 [Associated Cases](#)

File a Motion or Application:

[16-10002 Jim Doe Debtor dismissed](#) 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN
Case Flag: Dsmid

U.S. Bankruptcy Court
Western District of Louisiana

19. Select Notices.

Bankruptcy Events

Begin A Case
[BK Open New Voluntary Case](#)
[BK Open New Involuntary Case](#)
[BK Open With Attorney Software](#)
[BK Petition Documents](#)
[Plan/Disclosure Statement](#)

Claim Processing
[Claims Related Events](#)
[Claims File Single](#)

Proposed Orders
[Order Upload ...](#)

Creditors
[Enter Individual Creditors](#)
[Upload list of creditors file](#)

Action Upon A Case
[Appeal](#)
[Involuntary Answer](#)
[Motions/Applications](#)
[Notices](#)
[Objection/Response](#)
[Other BK Documents](#)

20. Select Hearing Set – Motions (Definite Hearing)-JPN, click “Next.”

File a Notice

Start typing to find another event. Hold down Ctrl to add additional items.

Available Events (click to select events)

- Amended Hearing Notice Served (Definite Hearing)
- Amended Hearing Notice, IF AND ONLY IF Objections Served
- Appearance and Request Notice
- Change of Address Notice
- Discharge - Notice of Filing In Compliance Motion for Discharge
- Hearing Notice Served (Definite Hearing)
- Hearing Notice Unserved (Definite Hearing)
- Hearing Notice, IF AND ONLY IF Objections Served
- Hearing Notice, IF AND ONLY IF Objections Unserved
- Hearing Set - Motions (Definite Hearing) - JPN**
- Hearing Set - Motions (IF AND ONLY IF Objections) - JPN
- Notice Re...
- Notice of Commencement of Chapter 15 Case
- Notice of Filing of Official Transcript
- Notice of Final Cure Mortgage Payment
- Notice of Foreign Representative's Intent to Commence Case

Selected Events (click to remove events)

- Hearing Set - Motions (Definite Hearing) - JPN

Next Clear

21. Enter the case number if it is not already pre-populated, click “Next.”

File a Notice

Case Number

5:16-bk-10002

Next Clear

22. Review your filing, click “Next.”

File a Notice

16-10002 Jim Doe Debtor dismissed 03/29/2016

Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed Judge: JPN
for Other Reason

Case Flag: Dsmd

Next Clear

23. Select your party or Add/Create New Party, click “Next.”

File a Notice:

16-10002 Jim Doe Debtor dismissed 03/29/2016

Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Judge: JPN
Other Reason

Case Flag: Dsmd

Select the Party:

Doe, Jim [Debtor]
Sikes (Ch 13 Trustee), Lucy G. [Trustee]
U. S. Trustee, Office of [U. S. Trustee]

[Add/Create New Party](#)

Next Clear

24. Select a hearing date, hearing time and location and the event to which your event relates, click "Next."

File a Notice:

16-10002 [Jim Doe](#) Debtor dismissed 03/29/2016

Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN

Case Flag: Dsmd

Date filed

Hearing Information

In order to enter a hearing date/time/location, you must obtain prior approval from the Clerk's Office.

04/12/2016 - 09:00 AM - Hearings [Dets: 3] [Chamber Assets](#)

Hearing Date: Hearing Time:

Location: Hearing Judge:

Select the appropriate event(s) to which your event relates:

25. Select your docket entry by placing check mark, click "Next."

File a Notice:

16-10002 [Jim Doe](#) Debtor dismissed 03/29/2016

Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN

Case Flag: Dsmd

Type	hrg
Date	4/12/2016
Time	09:00
Location	Courtroom Four, Shreveport
Prompt	

The following schedule records will be associated with the docket entries specified below.

Select from the following docket entries those which the above schedule records should be associated with.

- Create Schedule record for current docket entry.
- 03/29/2016 [7](#) Motion to Vacate (Re: [6](#) Dismissal) with Certificate of Service and Notice of Hearing Filed by John Smith on behalf of Jim Doe (Norman, Jeffrey)

A Check Mark MUST Be Placed In The Box Before the Event Being Heard.

Do NOT Place Check Mark In Box Before "Create Schedule record for current docket entry."

26. Modify your docket entry, if required, click “Next.” The document number and motion will appear in the summary text.

File a Notice:
16-10002 [Jim Doe](#) Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN
Case Flag: Dsmd

Docket Text: Modify as Appropriate.
▼ Hearing (Re: [7] Motion to Vacate) . Hearing scheduled for 4/12/2016 at 09:00 AM at Courtroom Four, Shreveport. Filed by Robert W. Cook on behalf of Jim Doe (Norman, Jeffrey)

Next Clear



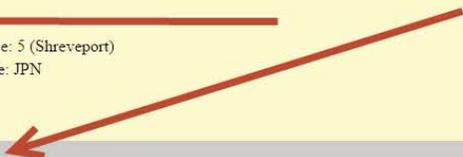
27. Review your hearing setting and finalize by clicking “Next.”

File a Notice:
16-10002 [Jim Doe](#) Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN
Case Flag: Dsmd

Docket Text: Final Text
Hearing (Re: [7] Motion to Vacate) . Hearing scheduled for 4/12/2016 at 09:00 AM at Courtroom Four, Shreveport. Filed by Robert W. Cook on behalf of Jim Doe (Norman, Jeffrey)

Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Next Clear



28. Your hearing has now been finalized and the process is complete. You should see this screen. It will show your Motion and the Scheduled Hearing.

File a Notice:
16-10002 [Jim Doe](#) Debtor dismissed 03/29/2016
Type: bk Chapter: 13 v Office: 5 (Shreveport)
Assets: y Debtor disposition: Dismissed for Other Reason Judge: JPN
Case Flag: Dsmd

**U.S. Bankruptcy Court
Western District of Louisiana**

Notice of Electronic Filing

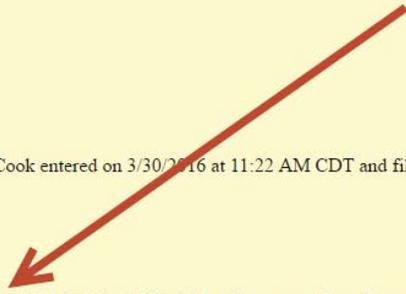
The following transaction was received from Robert W. Cook entered on 3/30/2016 at 11:22 AM CDT and filed on 3/30/2016
Case Name: Jim Doe
Case Number: [16-10002](#)
Document Number:

Docket Text:
Hearing (Re: [7] Motion to Vacate) . Hearing scheduled for 4/12/2016 at 09:00 AM at Courtroom Four, Shreveport. Filed by Robert W. Cook on behalf of Jim Doe (Norman, Jeffrey)

The following document(s) are associated with this transaction:

16-10002 Notice will be electronically mailed to:
Office of U. S. Trustee
crystal_gantt@lawb.uscourts.gov

16-10002 Notice will not be electronically mailed to:



###