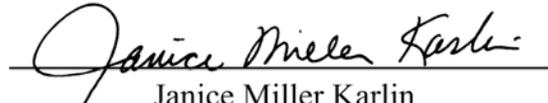


SO ORDERED.

SIGNED this 22nd day of August, 2014.




Janice Miller Karlin
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

**In re:
Teresa L. O'Dell,**

**Case No. 14-20526
Chapter 7**

Debtor.

Order Denying Motion to Reopen

Debtor filed a chapter 7 bankruptcy petition on March 14, 2014,¹ and the Chapter 7 Trustee assigned to her case entered a no-asset notice shortly thereafter, on April 17, 2014.² Debtor received a discharge on June 25, 2014,³ and her bankruptcy case was closed. About a month after her discharge was entered, on July 31, 2014, Debtor filed a motion to reopen her case, explaining that she had inadvertently omitted certain medical and utility debts totaling \$9400.79 from her original petition.⁴

¹ Doc. 1.

² *See* docket entry dated April 17, 2014 (Chapter 7 Trustee's Report of No Distribution).

³ Doc. 11.

⁴ Doc. 14.

Under 11 U.S.C. § 350(b), a court should only reopen a case “to administer assets, to accord relief to the debtor, or for other cause.” In a no-asset chapter 7 case, however, no relief can be given to a debtor by reopening case to add prepetition debt “because reopening affords no more relief to the debtor than the debtor already has obtained by virtue of the discharge under Section 727.”⁵ As described by the Tenth Circuit Court of Appeals in *Watson v. Parker (In re Parker)*:⁶

Pursuant to § 727(b), the Debtor receives a discharge from all debts that arose before the date of the order for relief under Chapter 7, regardless of whether a proof of claim based on any such debt or liability is filed, unless an exception in 523(a) applies. Under § 523(a)(3)(A), a claim will not be discharged if it was neither listed nor scheduled and the creditor did not have notice or actual knowledge of the case so that the creditor could timely file a claim. Here the bankruptcy court correctly found that § 523(a)(3)(A) does not apply because the Debtor's Chapter 7 case was a no asset case with no claims bar date set; . . . Because § 523(a)(3)(A) does not apply, unless [the creditor] can establish that the claim was nondischargeable under one of the exceptions referenced in § 523(a)(3)(B) [the creditor's] Claim was discharged by operation of law under § 727(b).

⁵ *In re Cerrudo*, 214 B.R. 500, 502 (Bankr. N.D. Okla. 1997) (“[I]n a no-asset chapter 7 case, unsecured debts are not excepted from discharge by virtue of Section 523(a)(3) unless the debt would be non-dischargeable under one of the intentional tort exceptions contained in Section 523(a)(2), (4), or (6). Pursuant to Section 727(b), an unsecured debt in a no-asset chapter 7 case is discharged unless the debt could have been found to be non-dischargeable under the intentional tort exceptions if the creditor had been given an opportunity to timely seek such relief. For these reasons, it is generally a useless exercise to reopen a case to schedule an unsecured debt, because reopening affords no more relief to the debtor than the debtor already has obtained by virtue of the discharge under Section 727.”).

⁶ 313 F.3d 1267, 1268–69 (10th Cir. 2003) (quoting *Watson v. Parker (In re Parker)*, 264 B.R. 685, 694 (10th Cir. BAP 2001)); *see also Judd v. Wolfe*, 78 F.3d 110 (3d Cir.1996) (and cases collected therein); *Stone v. Caplan*, 10 F.3d 285, 289 (5th Cir.1994); *Beezley v. California Land Title Co.*, 994 F.2d 1433 (9th Cir.1993).

As such, there is no cause to reopen Debtor's case. No relief can be given here because this is a no-asset case and reopening would afford debtor no more relief than she has already received.

Debtor's motion to reopen is denied. The prepetition debts Debtor seeks to add to her case, to the extent dischargeable if they had been listed on her chapter 7 petition when filed, are discharged anyway.

IT IS SO ORDERED.

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