

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

IN THE MATTER OF:

GENERAL ORDER NO. 2024-2

REOPENING AND CLOSING OF
BANKRUPTCY CASES FOR
ADVERSARY CASES SEEKING A
DETERMINATION OF DISCHARGE-
ABILITY OF DEBT OWED TO THE
UNITED STATES DEPARTMENT OF
EDUCATION

WHEREAS, Rule 4007(b) authorizes the reopening of a bankruptcy case without payment of an additional filing fee for the purpose of filing a complaint to obtain a determination of dischargeability of a debt;

WHEREAS, on November 17, 2022, the United States Department of Justice, in coordination with the Department of Education, implemented an attestation process for student loan bankruptcy discharge cases;

WHEREAS, if an underlying bankruptcy case has been previously closed, the United States Department of Education has required that at least some courts must reopen the case before the United States will proceed with the attestation process in order for a debtor to prosecute an adversary proceeding requesting a determination of dischargeability under 11 U.S.C. § 523(a)(8) of the Bankruptcy Code;

THEREFORE, to facilitate the Court's administration of related dockets and to avoid the requirement for a debtor to file a motion to reopen a closed

case before commencing an adversary proceeding regarding the dischargeability of a student loan under 11 U.S.C. § 523(a)(8);

IT IS ORDERED that the Court will *sua sponte* administratively reopen any closed bankruptcy case of a debtor who files a complaint requesting a judgment declaring a U.S. Department of Education student loan to be dischargeable under 11 U.S.C. § 523(a)(8), and the Court will administratively re-close the case upon entry of a judgment or final order in the adversary proceeding.

Dated: November 5, 2024



Catherine J. Furay
Chief U.S. Bankruptcy Judge