

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

**CASES UNDER CHAPTER 7
OF THE BANKRUPTCY CODE**

**GENERAL ORDER DIRECTING DISPOSITION OF CHAPTER 7 CASES IN WHICH
11 U.S.C. SECTION 727(a)(8) IS INVOKED**

A proposal for a *sua sponte* order of the Court resolving certain issues relating to the debtor's ineligibility to receive a discharge in cases under Chapter 7 in which 11 U.S.C. Section 727(a)(8) is invoked, having been considered by the Court, and the Court having recognized the statutory bar to its issuance of a discharge in such cases, and good cause having been shown,

IT IS ORDERED that:

1. After providing the debtor with notice and an opportunity to be heard, as defined in paragraph 2 below, at the conclusion of the Chapter 7 case, the Clerk shall close the case without issuance of a discharge, if the debtor has received a discharge-

a) under 11 U.S.C. section 727, under section 1141, or under sections 14, 371, or 476 of the Bankruptcy Act in a case commenced within 8 years before the date of the filing of the petition.

2. Upon the Clerk's evidence of the issuance of a discharge in a previous case commenced within the times frames set forth in paragraph 1 above, the docket entry in the case will reflect the Clerk's evidence of repeat filing and the debtor's ineligibility to receive a discharge pursuant to 11 U.S.C. Section 727(a)(8). The debtor will receive notice of the Clerk's evidence of repeat filing and statutory inability to receive a discharge. The notice will offer to the debtor the

opportunity to file an objection. If an objection is filed, a hearing in the matter will be scheduled.

3. Pursuant to Interim Rule 4006, upon the closing of a case without the entry of an order of discharge, the Clerk shall promptly give notice thereof to all parties in interest in the manner provided in Rule 2002.

4. This General Order does not modify or supercede the independent opportunity of the Office of the United States Trustee, the Chapter 13 Standing Trustee, or a creditor to object pursuant to

11 U.S.C. 727 (c) to the granting of a discharge under 11 U.S.C. sections 727(a)(8).

5. This General Order becomes effective on December 14, 2006, upon which date this procedure will be implemented with respect to all Chapter 7 cases filed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”).

6. Notice to the Bar of this Order shall be provided on the Court’s Website:

www.njb.uscourts.gov.

Date: December 14, 2006

/s/ Judith H. Wizmur
Hon. Judith H. Wizmur
Chief Judge, United States Bankruptcy Court
District of New Jersey