

# BANKRUPTCY <sup>UP</sup>DATE

## March 26, 2014

If someone else would like to receive these <sup>UP</sup>dates, please send an e-mail to [Mary\\_Frederickson@sdb.uscourts.gov](mailto:Mary_Frederickson@sdb.uscourts.gov).

### CLN Decision

You can use the link in the "Links" section below to view the following decision:

#### *In re Mittelstaedt*

**Issue:** Whether the United States Trustee was entitled to summary judgment dismissing the debtor's case for abuse under 11 U.S.C. § 707(b)(2)?

**Ruling:** Yes. The parties agreed the presumption of abuse arose, so the only issue was whether the debtor's spouse's decision to retire and the debtor's decision to terminate her employment and move to Florida constituted "special circumstances" under 11 U.S.C. § 707(b)(2)(B). Since the debtor's circumstances were of her own doing, the debtor's case was dismissed.

### Links

[In re Mittelstaedt](#)

[Previous Bankruptcy <sup>UP</sup>dates](#)