

BANKRUPTCY ^{UP}DATE

January 5, 2016

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CLN Decision

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

In re Prang

Issue: Whether the Court, under Fed.Rs.Civ.P. 59(e) or 60(b), will reconsider its order granting in part and denying in part the chapter 7 trustee's motion for turnover?

Ruling: Because the motion to reconsider did not identify the rule under which relief was sought, the Court looked at both Rule 59(e) and Rule 60(b). The motion could not be considered under Rule 59(e) since it was filed more than 14 days after the order was entered. The motion was denied under Rule 60(b) because the chapter 7 trustee did not identify any mistake, inadvertence, surprise, or excusable neglect, did not claim he possessed newly discovered evidence, did not allege anyone defrauded the Court, did not show the order was void or had been satisfied, and did not identify any extraordinary circumstance that prevented the trustee's motion for turnover from being fully and fairly litigated.

South Dakota Filings Down 8 Percent in 2015

There were 1,095 bankruptcy cases filed in 2015 in the District of South Dakota, an 8 percent decrease from the number of bankruptcies filed in 2014 and the fewest since 2006. However, more Chapter 11 and Chapter 12 cases were filed last year in South Dakota than in any year since 2011. The 2015 case filing breakdown by chapter:

Chapter 7	974
Chapter 11	6
Chapter 12	5
Chapter 13	110

Links

[*In re Prang*](#)

[Previous Bankruptcy^{UP} dates](#)

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.