

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

In Re:

CARA LYNN HUISH,

Debtor.

Case No. 25-40679-BRW

Chapter 7

SUMMARY ORDER GRANTING MOTION TO DISMISS AND REFUND FILING FEE

Before the Court is the Motion to Dismiss (Voluntary Dismissal) 11 U.S.C. 707(a) and Motion to Refund Filing Fees (Doc. No. 12) (the “Motion”) filed by the Debtor Cara Lynn Huish (the “Debtor”) on October 14, 2025.

RELIEF REQUESTED AND BASIS STATED IN THE MOTION

The Debtor requests dismissal of the above-captioned bankruptcy case under § 707(a)¹ and a refund of the filing fees incurred by the Debtor in filing the case. The Debtor explains that she has a pending bankruptcy case filed in this Court, *In re Huish*, 25-40510-BRW (the “First Bankruptcy”) and the above-captioned bankruptcy case was filed in error. Pursuant to representations made in the Motion, the Debtor did not intend to file a new bankruptcy case and intends to proceed under the First Bankruptcy. In the process of filing the above-captioned bankruptcy case, the Debtor incurred the chapter 7 filing fee of \$338.00, which fee she requests to be refunded.

¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101–1532, all “Rule” references are to the Federal Rules of Bankruptcy Procedure 1001–9037, and all “Civil Rule” references are to the Federal Rules of Civil Procedure.

ANALYSIS AND ORDER

The First Bankruptcy was filed on August 12, 2025, originally as a chapter 13 case. Bankr. No. 25-40510-BRW, Doc. No. 1. On October 1, 2025, the First Bankruptcy was converted to one under chapter 7. *Id.* at Doc. No. 32. The First Bankruptcy is proceeding as a chapter 7 case, and the chapter 7 trustee has been appointed. *Id.*

The Motion seeks dismissal of the above-captioned bankruptcy case and refund of the filing fee under 11 U.S.C. § 707(a), which provides:

The court may dismiss a case under this chapter only after notice and a hearing and for cause, including—

(1) unreasonable delay by the debtor that is prejudicial to creditors;

(2) nonpayment of any fees or charges required under chapter 123 of title 28; and

(3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case, the information required by paragraph (1) of section 521(a), but only on a motion by the United States trustee.

11 U.S.C. § 707(a). The grounds for dismissal stated in § 707(a) are “illustrative” only and a court “may dismiss the case on other grounds when cause is found to exist.” 6 COLLIER ON BANKRUPTCY ¶ 707.03[1] (Richard Levin & Henry J. Sommer eds., 16th ed.). If “judicial economy would be furthered with no substantial detriment to the debtor or creditors,” a chapter 7 case may be dismissed under § 707(a). *Id.* at ¶ 707.03[2]. Rule 1017(a) further provides that a court “must conduct a hearing on notice under Rule 2002 before dismissing a case on the petitioner’s motion”

While not cited in the Motion, Civil Rule 60, applicable to bankruptcy cases by Rule 9024, is relevant here. It provides:

Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

....

(1) mistake, inadvertence, surprise, or excusable neglect;

....

Civil Rule 60(b)(1) (emphasis in original).

Finally, with respect to the request in the Motion to refund the filing fees, the *Bankruptcy Fee Compendium III* is applicable. Pursuant to Paragraph 8(A), a court “may refund CM/ECF electronic payments under certain circumstances.” *Bankruptcy Fee Compendium III* (available at https://www.dcb.uscourts.gov/sites/dcb/files/Fee_Compndium_Jun_2014.pdf).

Applying the above principles and authorities to the facts before the Court, dismissal may be appropriately granted under § 707(a), however such relief requires notice and a hearing pursuant to Rule 1017(a), resulting in additional delay and expense. As such, the Court concludes that Civil Rule 60(b)(1) provides the appropriate grounds for the relief requested in the Motion. The Debtor has demonstrated the filing of the above-captioned bankruptcy was a mistake, and based on that mistake the Court may relieve the Debtor from proceeding with the above-captioned bankruptcy case. The Debtor intends to pursue the First Bankruptcy, and the above-captioned bankruptcy therefore serves no purpose. Moreover, pursuant to the Bankruptcy Fee Compendium III, the Court finds and concludes that a refund of the filing fee incurred in filing the above-captioned bankruptcy case is appropriate under the circumstances. Accordingly,

IT IS HEREBY ORDERED that the Motion, Doc. No. 12, is **GRANTED** and this case shall be **DISMISSED**.

IT IS FURTHER HEREBY ORDERED that the filing fee shall be **REFUNDED**. The Court Clerk is directed to refund the filing fee of \$338.00 incurred by the Debtor in filing the above-captioned bankruptcy case.



DATED: October 17, 2025

A handwritten signature in black ink, appearing to read "Brent R. Wilson".

Brent R. Wilson
U.S. Bankruptcy Judge