IT IS SO ORDERED.

Dated: January 5, 2026

Tyson A. Crist
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:	:	
	:	Case No. 24-31610
Susana Vignon,	:	Chapter 13
	:	Judge Crist
Debtor.	:	
	:	

ORDER GRANTING MOTION TO RECONSIDER (DOC. 39)

I. Introduction

This matter is before the Court on Debtor Susana Vignon's (the "Debtor") *Motion to Reconsider* (Doc. 39) (the "Motion to Reconsider"), filed on November 26, 2025, by which she "requests the Court reconsider dismissal of her Chapter 13 bankruptcy." Mot. to Reconsider at 2.

II. Jurisdiction

This Court has subject matter jurisdiction over this Motion to Reconsider pursuant to 28 U.S.C. § 1334(a) and (b) and Amended General Order No. 05-02 (Amended Standing Order of Reference) entered by the United States District Court for the Southern District of Ohio, pursuant to 28 U.S.C. § 157(a), by which all cases under title 11 and all proceedings therein have been referred to the bankruptcy judges for this District. This is a core proceeding under 28 U.S.C.

§ 157(b)(2), and this Court may enter a final order within its constitutional authority given that this concerns the prior dismissal of Debtor's chapter 13 case before this Court.

III. Background

Debtor filed her petition for relief under chapter 13 of the Bankruptcy Code (11 U.S.C. § 101, *et seq.*) on August 23, 2024. *See* Petition (Doc. 1). Debtor's Chapter 13 Plan (Doc. 6) was confirmed on November 21, 2024. *See* Confirmation Order (Doc. 18). Ten months later, on September 19, 2025, John G. Jansing, Chapter 13 Trustee filed a *Motion to Dismiss for Cause for Failure to Turn Over Tax Return and Refund and Notice of Hearing* (Doc. 34) (the "Motion to Dismiss"), pursuant to 11 U.S.C. § 1307(c)(6) of the Bankruptcy Code, because the Debtor had "failed to turn over a copy of the 2024 Tax Return and Refund to the Chapter 13 Trustee as required by the confirmation order." Mot. to Dismiss (Doc. 34). The Notice accompanying the Motion to Dismiss provided 30 days from the date of service (September 19, 2025) to file a response; so, until October 22, 2025, after adding three days to the response period due to service upon the Debtor by first-class mail. *See* Fed. R. Bankr. P. 9006(f). The Notice also stated that "[i]f no response is filed within the time period provided, then no hearing will be held and the court may enter an order dismissing this case." Notice of Mot. to Dismiss at 2 (Doc. 34).

Backing up, prior to the Motion to Dismiss, Debtor had filed an *Amended Motion to Modify Plan Post-Confirmation* (Doc. 31) (the "Amended Motion to Modify") on August 27, 2025. The Chapter 13 Trustee did not object to the Amended Motion to Modify[1] and on November 2, 2025, prior to entering the Dismissal Order, the Court entered the *Order Approving Debtor's Amended Motion to Modify Plan Post-Confirmation (Doc. #31)* (Doc. 35). In that Order approving modification of the Plan, Debtor was authorized to lower her plan payments to $75 a month for September, October, and November 2025, with payments set to resume at $1,175 a month in December 2025. Salient to the present Motion to Reconsider, the reason for that plan modification was explained as follows:

[1] The Chapter 13 Trustee had objected (Doc. 29) to the original Debtor's Motion to Modify Plan Post-Confirmation (Doc. 28), filed on August 15, 2025, because she had proposed to suspend her plan payments, and given that Debtor is above median income, "[t]he lowest reduction rate is $75 per month." Chp. 13 Tr.'s Resp. in Opp. to Debtor's Mot. for Suspension of Payments (Doc. 28) (Doc. 29) (the "Objection"). Following the filing of Debtor's Amended Motion to Modify, which provided that she would make payments of $75 per month for the three months at issue, the Chapter 13 Trustee withdrew his Objection (Doc. 33).

> 1. The Chapter 13 Plan, confirmed on November 21, 2024, presently calls for her to pay $1175 per month. A 45% dividend will be paid to the general unsecured creditors.
>
> 2. Debtor was recently married. Her spouse is unemployed. He is requiring a kidney transplant, and Debtor will be off work and incurring costs related to the medical procedure. She wishes to lower her plan payment to $75 per month for September, October, and November 2025. Any funds received by the trustee exceeding that amount during these months shall be returned to Debtor. Debtor will resume plan payments of $1175 per month beginning in December 2025. The unsecured dividend will remain 45%.

Am. Mot. to Modify (Doc 31) at 1, ¶ 2.

Three days after entering the Order (Doc. 35) approving Debtor's reduction in plan payments, on November 5, 2025, the Court entered the *Post-Confirmation Dismissal Order (Doc. 34)* (Doc. 36) (the "Dismissal Order") because no party, including the Debtor, timely responded or objected to dismissal of this case. In the Motion to Reconsider, Debtor asks the Court to reconsider the Dismissal Order, stating that she "has been dealing with her spouse's serious health conditions and missed the correspondence from Counsel and the court regarding her missing return" and that "Counsel uploaded the return on November 26, 2025." Mot. at 2. The Notice of Motion attached to the Motion to Reconsider stated that recipients had twenty-one (21) days to respond. This response period expired, at the latest, on Monday, December 22, 2025. And nobody, including the Chapter 13 Trustee, who would know whether Debtor had uploaded her tax return on November 26, 2025, objected to the Motion to Reconsider.

IV. Analysis

This case presents a close call given that Debtor has not provided the Court with an affidavit or declaration, or much detail, in support of her Motion to Reconsider. Nonetheless, from a review of the assertions made in the Motion to Reconsider, which are corroborated by the prior Amended Motion to Modify, from a review of the case record, and in the absence of any objections, particularly any objection by the Chapter 13 Trustee (given the case was originally dismissed on his motion for Debtor's failure to turn over a copy of her 2024 tax return and refund, the Court is inclined to grant relief because, in this instance, the Court has "much

discretion" to do so,[2] and because it appears the Debtor has experienced a significant family medical situation, her counsel represents that she uploaded the return the same day she filed this Motion to Reconsider, and reinstatement of this case would be in the best interests of the Debtor, the estate, and her creditors.

There is no recognition of a motion to reconsider under the Federal Rules of Civil Procedure (the "Civil Rules"), which are made applicable to bankruptcy cases by the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"). *See Hogan v. Dicicco* (*In re Hogan*), 79 F. App'x 846, 848 (6th Cir. 2003) (citing *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 617 (6th Cir. 2002); *Lopez v. Long* (*In re Long*), 255 B.R. 241, 244 (B.A.P. 10th Cir. 2000)); *see also In re Murray Energy Holdings Co.*, 658 B.R. 133, 137 (Bankr. S.D. Ohio 2024) (citing *Hogan*, 79 F. App'x at 848). However, such a motion is generally construed as either a motion to alter or amend a judgment under Civil Rule 59(e), which is made applicable to bankruptcy cases by Bankruptcy Rule 9023(a), or, in the alternative, a motion for relief from judgment under Civil Rule 60, which is made applicable to bankruptcy cases by Bankruptcy Rule 9024(a). *Id.*

In bankruptcy, the time to file a motion to alter or amend judgment under Civil Rule 59(e) is shortened by Bankruptcy Rule 9023(b), which requires such a motion to be filed "within 14 days after the judgment[3] is entered[,]" as opposed to Civil Rule 59(e), which permits such a motion outside of bankruptcy to be "filed no later than 28 days after the entry of judgment." And the Court cannot extend this period. *See* Fed. R. Bankr. P. 9006(b)(2) (providing that "[t]he court must not extend the time to act under Rules . . . 9023[] and 9024."); *see also Rice v. McKeehan* (*In re McKeehan*), Case No. 96-29658-K, Adv. No. 96-1251, 1999 Bankr. LEXIS 2087, at *15-16 (Bankr. W.D. Tenn. June 8, 1999). Here, Debtor's Motion was filed twenty-one (21) days after her case was dismissed, so the Court is unable to consider a motion to alter or amend judgment at this point. Thus, Debtor's only avenue for relief from the Dismissal Order is under

[2] In this regard this Order exemplifies the difference that discretion can make, as this Order stands in contrast to and is distinguishable from the Court's recent *Order Denying Motion to Vacate Order of Dismissal (Doc. 21) and Concerning Attorney Fees* (Doc. 24), entered in *In re Vaughan*, Case No. 25-31806 on January 2, 2026. Therein, the motion to vacate was denied because the chapter 13 case had been automatically dismissed under 11 U.S.C. § 521(i) due to Debtor's failure to comply with § 521(a)(1)(B)(v), and " '§ 521(i) is a very unforgiving statute.' " *Id.* at 2 (quoting *In re Olsen*, No. 20-20087, 2020 Bankr. LEXIS 1428, at *9 (Bankr. D. Utah June 1, 2020) (analyzing an unopposed motion to vacate an automatic dismissal under § 521(i) pursuant to Civil Rule 60(b))).

[3] Under Bankruptcy Rule 9001(b)(7), the word " '[j]udgment' means any appealable order."

Civil Rule 60(b), made applicable to this bankruptcy case without modification to the timing for filing by Bankruptcy Rule 9024(a).

A motion for relief from an order of dismissal of a chapter 13 case, entered on a motion to dismiss for cause, can be granted under Civil Rule 60(b). *See, e.g.*, *Geberegeorgis v. Gammarino* (*In re Geberegeorgis*), 310 B.R. 61, 69-70 (B.A.P. 6th Cir. 2004) (affirming the bankruptcy court's grant of relief under Civil Rule 60(b)(6) to vacate a prior order dismissing the debtor's chapter 13 case, due to failure to make plan payments resulting from sickness and hospitalization, to resume performance under a confirmed chapter 13 plan). In fact, " '[m]otions to vacate dismissal orders, or motions to reinstate cases as they are colloquially called, are frequent procedural requests." *In re Faulkner*, No. 19-12803, 2020 U.S. Dist. LEXIS 59715, at *5 (E.D. Mich. Apr. 6, 2020) (quoting *In re Geberegeorgis*, 310 B.R. at 66). And " 'bankruptcy courts are authorized to set aside a final judgment or order, including case dismissal orders, under Fed. R. Bankr. P. 9024, which incorporates Fed. R. Civ. P. 60(b) into practice under the Bankruptcy Code.' " *Id.*

The Motion to Reconsider now before this Court was filed within a reasonable time, in compliance with Civil Rule 60(c)(1), just twenty-one (21) days after the Dismissal Order was entered. "The party seeking to invoke [Civil Rule 60(b)] bears the burden of establishing that its prerequisites are satisfied." *McCurry v. Adventist Health Sys./Sunbelt, Inc.*, 298 F.3d 586, 592 (6th Cir. 2002) (citing *Jinks v. AlliedSignal, Inc.*, 250 F.3d 381, 385 (6th Cir. 2001)). Debtor has not cited any Civil Rule, Bankruptcy Rule, or case law in support of the Motion. Thus, the Court and parties do not know which sub-part of Civil Rule 60(b), if any, Debtor asserts would apply. And for this reason, the Court could be justified in simply denying the Motion to Reconsider. However, it appears that courts often look past this type of deficiency in this type of situation. Upon an initial review, either (b)(1) or (b)(6) of Civil Rule 60 would most likely apply, which permit this Court to relieve the Debtor from the Dismissal Order "for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; . . . or (6) any other reason that justifies relief." Fed. R. Civ. P. 60(b)(1) and (b)(6). However, the case law appears to decline to apply Civil Rule 60(b)(1) to this type of situation in which counsel is not claiming any excusable neglect. Sub-parts (2) through (5) of Civil Rule 60(b) appear to have no application based on the facts alleged in the Motion. Thus, this leaves Civil Rule 60(b)(6).

The Sixth Circuit has instructed that " 'courts must apply Rule 60(b)(6) relief only in unusual and extreme situations where principles of equity *mandate* relief.' " *McCurry*, 298 F.3d at 592 (quoting *Blue Diamond Coal Co. v. Trs. of UMWA Combined Benefit Fund*, 249 F.3d 519, 524 (6th Cir. 2001)) (emphasis in original). At the same time, use of Civil Rule 60(b)(6) to grant relief from a dismissal order in a similar circumstance involving a health situation has been affirmed by the Bankruptcy Appellate Panel for the Sixth Circuit. *In re Geberegeorgis*, 310 B.R. 61, 66-67 (concluding that "[i]n this case, clauses (2), (3), (4), and (5) of Rule 60(b) are clearly inapplicable. The Panel will therefore analyze whether either clause (1) or clause (6) of Rule 60(b) authorized the bankruptcy court to vacate its dismissal order.").

Here, the fundamental question is whether the Court can grant relief to this Debtor based on the short, unopposed Motion to Reconsider. In this instance, the equities appear to lie squarely in favor of the Debtor, considering that her chapter 13 case was dismissed solely for failure to submit a tax return to the Chapter 13 Trustee and to respond to the Motion to Dismiss while she was apparently dealing with a family medical situation. While there is no affidavit or declaration filed in support of the Motion to Reconsider, there is a proffered explanation of her serious family medical situation corroborated by the Debtor's prior Motion to Modify. And nobody, particularly the Chapter 13 Trustee who could confirm receipt of the 2024 tax return that led to dismissal of this chapter 13 case, objected to the Motion to Reconsider.

As noted in the background above, Debtor had previously moved to modify her chapter 13 plan to lower her plan payments for three months because:

> 2. Debtor was recently married. Her spouse is unemployed. He is requiring a kidney transplant, and Debtor will be off of work and incurring costs related to the medical procedure.

Motion to Modify (Doc. 31) at 1, ¶ 2. Debtor's Schedule I (Doc. 1 at 27) corroborates that she did not have a spouse when she filed her Petition on August 23, 2024. There was no opposition to that Motion to Modify and, as noted in the background above, the Court entered its Order (Doc. 35) granting that Motion to Modify on November 2, 2025, just three days before entering the Dismissal Order. Debtor's basis for the current Motion, by which she seeks to resume her chapter 13 case, relates to the same circumstance that led to her Motion to Modify. As explained in Debtor's present Motion to Reconsider:

> Debtor filed her Chapter 13 bankruptcy on August 23, 2024. The case was dismissed on November 5, 2025, because Debtor failed to provide her 2024 tax return to the Trustee. Debtor has been dealing with her spouse's serious health condition and missed the correspondence from Counsel and the court regarding her missing return. Counsel uploaded the return on November 26, 2025.
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> Debtor understands her responsibility to provide all returns in the future.
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> Due to the foregoing, Debtor requests the Court reconsider dismissal of her Chapter 13 bankruptcy.

Mot. to Reconsider at 2.

Notwithstanding the spartan nature and mistitling of the Motion to Reconsider, because the alleged basis in support – a family medical situation – is corroborated by the prior unopposed Motion to Modify, which the Court granted just three days prior to entering the Dismissal Order; because the Motion to Reconsider was properly noticed under LBR 9013-1(a)(1)(C) and (a)(2), LBR 9013-3, and notified all parties that, in accordance with LBR 9013-1(d), the relief may be granted if no response was timely filed; because the Motion to Reconsider is unopposed; because there does not appear to be any improper purpose in Debtor seeking this relief; because this situation appears to be beyond Debtor's making (for which she does not appear to be culpable); and because there is no harm to any of the parties to this case, the Court is inclined to grant the Motion based on the equities, although denying the Motion to Reconsider without prejudice would also be within its discretion. *See In re Jones*, No. 19-13673, 2020 Bankr. LEXIS 1460, at *6 (Bankr. S.D. Ohio Apr. 21, 2020) (Buchanan, J.) (citing *Info-Hold, Inc. v. Sound Merch., Inc.*, 538 F.3d 448, 454 (6th Cir. 2008) for the proposition that " 'the party seeking relief under [Civil] Rule 60(b) bears the burden of establishing the grounds for such relief by clear and convincing evidence.' ").

The foregoing facts satisfy the basic elements for granting relief under Civil Rule 60(b), under the "three equitable factors derived from Fed. R. Civ. P. 55 jurisprudence as to 'good cause' for setting aside default entries[, which are]: (1) whether plaintiff will be prejudiced if the judgment is vacated; (2) whether the defendant had a meritorious defense; and (3) whether culpable conduct of the defendant led to the default." *In re Geberegeorgis*, 310 B.R. at 67 (citing *United Coin Meter Co. v. Seaboard Coastline R.R.*, 705 F.2d 839, 845 (6th Cir. 1983) and

concluding that "[i]n this context, these circumstances are analogous to there being a meritorious defense in conventional civil lawsuits involving a plaintiff and a defendant.").

The Court also notes that this is Ms. Vignon's first bankruptcy case; her Chapter 13 Plan (Doc. 6), which was confirmed on the first try without objection, provides for the payment of 45% on allowed nonpriority unsecured claims; and there were no prior motions to dismiss her case. Thus, the circumstances under which the Motion to Reconsider was filed are all in favor of granting the relief and giving the Debtor another shot at completing her Chapter 13 Plan.

This one is a close call, but in this instance the Court will grant relief under Civil Rule 60(b)(6) because the Court has "much discretion" in this regard and vacating the Dismissal Order in this case will serve substantial justice and foster "the bankruptcy policies of promoting both reorganization and equality of distribution to creditors," such that this is the type of "extraordinary circumstance[] within the ambit of Rule 60(b)(6)." *In re Geberegeorgis*, 310 B.R. at 70 (citing *Beaman v. Levy* (*In re Levy*), 75 B.R. 894 (Bankr. S.D. Ohio 1987) (Waldron, J.) (granting a motion to vacate a default judgment)); *see also In re Jones*, No. 23-24343, 2024 Bankr. LEXIS 896, at *10-11 (Bankr. W.D. Tenn. Apr. 11, 2024) (finding grounds to grant relief under Civil Rule 60(b)(6)).

That said, counsel for the Debtor would be well-advised, in the future, to support any such motion to vacate an order of dismissal with citations to the appropriate Federal Rules of Procedure, as well as an affidavit or declaration, such that it is not a close call as to whether the motion provides enough information or proffers enough evidence to satisfy the factors required to receive relief under Civil Rule 60(b). *See Yeschick v. Mineta*, 675 F.3d 622, 628-29 (6th Cir. 2012).

V. Conclusion

Accordingly, the *Motion to Reconsider* (Doc. 39) is hereby **GRANTED** on the basis of Civil Rule 60(b)(6), made applicable to this bankruptcy case by Bankruptcy Rule 9024(a), such that the prior Dismissal Order is hereby vacated and the Debtor's chapter 13 case is hereby reinstated.

IT IS SO ORDERED.

Copies to: Default List