

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

Kevin B. Dean,

Debtor

Chapter 11

Case No. 20-20427

**ORDER DENYING MOTION TO DISMISS CASE UNDER 11 U.S.C. § 305**

Emile Clavet, a creditor, has moved for dismissal of this case under 11 U.S.C. § 305(a)(1) [Dkt. No. 65] (the “Motion to Dismiss”). The Debtor opposes that relief. *See* [Dkt. No. 81]. Mr. Clavet urges the Court to look to the factors identified in Efron v. Candelario (In re Efron), 529 B.R. 396 (B.A.P. 1st Cir. 2015) and to conclude that those factors weigh in favor of dismissal. In Efron, however, dismissal was based, at least in part, on the fact that the bankruptcy case could not proceed without a division of the parties’ marital assets by the Puerto Rico Court of First Instance. *See id.* at 410. Here, although Mr. Clavet would prefer to continue the dissolution proceedings in state court, the bankruptcy case need not be put on ice pending those state court proceedings. Under the statute invoked by Mr. Clavet, the Court may dismiss a case under title 11 if “the interests of creditors and the debtor would be better served by” dismissal. 11 U.S.C. § 305(a)(1). Mr. Clavet has not argued, let alone established, that the interests of the Debtor would be better served by dismissal than by the continuation of this chapter 11 case. The Motion to Dismiss is therefore DENIED.



Date: March 24, 2021

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Michael A. Fagone  
United States Bankruptcy Judge  
District of Maine