

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

CHARLES SCOTT MOLLICA, SR.,

Debtor.

Chapter 7

Case No. 19-20385

**ORDER DISMISSING CASE FOR WILLFUL
FAILURE TO ABIDE BY ORDERS OF THE COURT**

This matter is before the Court in connection with the September 12, 2019 Order to Show Cause (the “OSC”) (Docket Entry “D.E.” 22) in this case which is the sixth chapter 7 case commenced by Charles Scott Mollica, Sr. (the “Debtor”) since June 1, 2017. By way of background, the Court dismissed all but one of the prior cases for failure to comply with orders establishing deadlines by which the Debtor was to file certain documents and/or pay installments of his filing fees. The only case the Court did not dismiss, Case No. 17-20272, was closed without discharge after the Debtor failed to timely file a Financial Management Course Certificate. The following is a brief summary of the history of the Debtor’s case filings since 2017.

- **Case No. 17-20272.** The Debtor commenced this case on June 1, 2017. It was dismissed on August 31, 2017 because the Debtor failed to pay the third and fourth installments of his filing fee. The Court subsequently vacated the dismissal order and granted the Debtor an extension to pay the filing fees. While he ultimately complied with the last order extending the deadline for paying fees, the Court closed his case without discharge on December 18, 2017 after the Debtor failed to timely file a Financial Management Course Certificate.
- **Case No. 18-20245.** The Debtor filed a chapter 7 petition on May 2, 2018. On July 10, 2018, the Debtor failed to appear for a hearing on his motion seeking waiver of the credit counseling requirement. While that motion was pending, the Court extended deadlines for paying the second, third and final installments of his filing fee. Despite Mr. Mollica’s failure to appear, the Court continued the July 19, 2018 hearing to July 24, 2018 but, in the meantime, Mr. Mollica missed the extended deadline for payment of the second installment of the filing fee, resulting in dismissal of this case on July 19, 2018.
- **Case No. 18-20399.** On July 19, 2018, while the Court was preparing the order dismissing Case No. 18-20245, the Debtor filed a chapter 7 petition jointly with Norma Raquel Mollica. The Court dismissed this case on August 6, 2018 after the Debtor failed to timely file certain required documents.
- **Case No. 18-20468.** The Debtor and Norma Raquel Mollica filed a new chapter 7 petition on August 17, 2018. Despite receiving two extensions, the Debtor failed to timely file a

Certificate of Credit Counseling and missed an extended deadline for paying the second installment of the filing fee. The Court dismissed the case on October 2, 2018 with a finding that the Debtor willfully violated orders of the Court, which finding barred the Debtor under 11 U.S.C. § 109(g)(1) from filing another bankruptcy petition for a period of 180 days.

- **Case No. 19-20385.** On June 18, 2019, the Debtor commenced a new chapter 7 case. The Court dismissed this case on July 3, 2019 after the Debtor failed to file various required documents.

The Debtor filed the above-captioned case on July 30, 2019. On the same day, the Court issued: (a) the Order Approving Payment of Filing Fee in Installments (Docket Entry “D.E.” 4) (the “Filing Fee Order”) directing the Debtor to pay his filing fee in four installments due on or before August 6, 2019, August 29, 2019, September 30, 2019 and October 28, 2019, respectively; and (b) the Order to Comply with Bankruptcy Rules 1007 and Notice of Intent to Dismiss Case (D.E. 5) (the “Order to Comply”) directing the Debtor to file certain documents required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure on or before August 13, 2019 or August 29, 2019, as applicable.

On August 7, 2019, the Debtor filed a motion seeking additional time to file certain materials. The Debtor did not timely appear for a September 10, 2019 hearing on that motion, nor did he file the missing items prior to that date. During the hearing, the chapter 7 trustee reported that the Debtor failed to appear for the meeting of creditors pursuant to 11 U.S.C. § 341 the preceding day. The Court denied the Debtor’s motion. When the Debtor appeared later in the morning—after the Court had already ruled on his motion and the chapter 7 trustee had departed—the Court explained to the Debtor why the motion was denied and indicated that an order would soon issue directing the Debtor to show cause why his case should not be dismissed.

The Court then issued the OSC directing the Debtor to appear before the Court on October 8, 2019 and show cause why the case should not be dismissed for willful violation of court orders. On the morning of October 8, 2019, the Debtor left a voicemail with the Clerk’s office stating that he had suffered a medical event and would not be able to attend that day’s hearing. Despite the *ex parte* nature of the communication, and the lack of a formal motion seeking a continuance, the Court continued the show cause hearing to October 22, 2019. On the morning of the continued hearing, the Debtor once again left a voicemail stating that he was unable to attend the hearing due to medical issues. The Court continued the hearing to November 13, 2019.

On October 25, 2019, the Debtor failed, once again, to appear for his § 341 meeting. On October 29, 2019, the Court issued an Order of Proposed Dismissal (D.E. 27) (the “Proposed Dismissal Order”) after the Debtor failed to timely pay the final installment of his filing fee. The Proposed Dismissal Order stated that, if the Debtor did not make the payment or file a written request for a hearing within fourteen days, the case would be dismissed and that such dismissal would be on account of the willful failure of the Debtor to abide by orders of the Court.

The day before the November 13, 2019 continued hearing on the OSC, the Debtor left another voicemail with the Clerk’s office stating that continuing medical issues prevented him

from appearing at the November 13, 2019 hearing on the OSC and requesting that the hearing be postponed a third time. The Debtor was informed on November 12, 2019 that the OSC hearing would not be continued. The Debtor failed to appear for the November 13, 2019 hearing, at which the chapter 7 trustee and the trial attorney from the United States Trustee's office appeared supporting the dismissal of this case and a refiling bar of 180 days. Further, to date, the Debtor continues to be in violation of the Filing Fee Order, Order to Comply, Proposed Dismissal Order and OSC.

In light of the Debtor's repeated and willful failure to comply with Court orders in this case and the five other cases filed by the Debtor in recent years, it is hereby ORDERED that this case is DISMISSED and the Debtor is hereby barred under 11 U.S.C. § 109(g) from filing a bankruptcy petition for a period of 180 days from the date of this Order.

Dated: November 14, 2019

/s/ Peter G. Cary
Judge Peter G. Cary
United States Bankruptcy Court