

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 7 PROCEEDING
)
KEITH DOUGLAS FREEMAN,) CASE NO.24-00059
)
DEBTOR.) HON. DONALD R. CASSLING

NOTICE OF MOTION

To: See attached list

PLEASE TAKE NOTICE that on **Tuesday, June 4, 2024, at 9:30 a.m.**, I will appear before the Honorable Donald R. Cassling, or any judge sitting in that judge’s place, **either** in courtroom 619 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604 **or** electronically as described below, and present United States Trustee’s **Motion to Approve Waiver of Discharge for Debtor**, a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is **161 414 7941** and the password is 619. The meeting ID and passcode can also be found on the judge’s page on the court’s web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

/s/ Joshua D. Greene
Joshua D. Greene, Trial Attorney
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(202) 538-4834

CERTIFICATE OF SERVICE

I, Joshua D. Greene,

an attorney, certify

that on May 28, 2024, I caused to be served copies of this notice, the attached motion, exhibit, and proposed order on the ECF Registrants shown below via the Court's Electronic Notice for Registrants and via First Class US Mail by BMC Group on all other entities shown at the addresses listed below. A supplement to this Certificate of Service from BMC Group will be filed.

/s/ Joshua D. Greene

SERVICE LIST

Registrants Served Through the Court's Electronic Notice For Registrants

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 7 PROCEEDING
)
KEITH DOUGLAS FREEMAN,) CASE NO.24-00059
)
DEBTOR.) HON. DONALD R. CASSLING

MOTION TO APPROVE WAIVER OF DISCHARGE FOR DEBTOR

Patrick S. Layng, the United States Trustee for the Northern District of Illinois (the “U.S. Trustee”), by and through his attorney, Joshua D. Greene, hereby requests that the Court, pursuant to 11 U.S.C. § 727(a)(10), approve the voluntary waiver of discharge executed by Keith Douglas Freeman (the “Debtor”). In support of his Motion, the U.S. Trustee respectfully states as follows:

JURISDICTION

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334.
2. This is a core proceeding concerning the administration of the estate pursuant to 28 U.S.C. § 157(b)(2)(A) which has been referred to this Court pursuant to IOP 15(A) and LR 40.3.1 of the United States District Court for the Northern District of Illinois.
3. Venue of this case in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The U.S. Trustee has standing to file the Motion under 11 U.S.C. § 307 and 28 U.S.C. § 586(a)(3).

BACKGROUND

5. On January 3, 2024 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code. *Dkt. No.1*. The Debtor was represented by Kristin T. Schindler and Geraci Law, LLC. *Id. at p.9*.

6. With his petition, the Debtor filed Schedules and Statement of Financial Affairs (the “SOFA”). *See dkt. 1*. The Debtor signed both documents, declaring the information and answers to be true and correct. *See id.*, pp. 60-67.

7. On February 22, 2024, the court entered an order authorizing the U.S. Trustee to examine the Debtor under Federal Rule of Bankruptcy Procedure 2004. *Dkt. No. 16*. Subsequently, the U.S. Trustee issued a subpoena to the Debtor requiring the production of certain documents related to his bankruptcy filing.

8. On April 23, 2024, Keevan Morgan substituted in as Debtor’s counsel. *See dkts. 32, 33*.

9. On May 15, 2024, counsel for Debtor indicated to the undersigned that Debtor wished to waive his discharge in the underlying bankruptcy case.

10. On May 25, 2024, the Debtor tendered an executed voluntary waiver of discharge pursuant to Section 727(a)(10) to the U.S. Trustee. A true and correct copy of the Debtor’s waiver is attached hereto as *Exhibit A*.

11. Subject to this Court’s approval, the Debtor has agreed to voluntarily waive his discharge.

LEGAL ARGUMENT

12. The Bankruptcy Code provides a debtor with a discharge from liability on his/her debts unless the debtor obtains approval by the court of a written waiver of discharge. Section 727(a)(10) states: “[t]he court shall grant the debtor a discharge, unless - . . . (10) the court approves

a written waiver of discharge executed by the debtor after the order for relief under this chapter [.]” 11 U.S.C. § 727(a)(10); *In re Asbury*, 423 B.R. 525, 528 (B.A.P. 8th Cir. 2010).

13. In the case *In re Eliscu*, 163 B.R. 335, 340 (Bankr. N.D. Ill. 1994), the court stated that “[p]ractice dictates that a court should determine that the debtor seeking approval of the waiver is aware of the consequences of the actions and that the debtor’s decision to waive the discharge is voluntary.” Courts have held that the Bankruptcy Code imposes four requirements for an effective discharge waiver: “(1) the waiver must be in writing; (2) it must be signed by the debtor; (3) it must be filed post-petition; and (4) it must be approved by the court.” *In re Asbury*, 423 B.R. 525, 528 (B.A.P. 8th Cir. 2010) (citing *In re Eliscu*, 163 B.R. 335, 340 (Bankr. N.D. Ill. 1994); *Cheripka v. Republic Ins. Co. (In re Cheripka)*, 122 B.R. 33, 37 (Bankr. W.D. Pa. 1990)).

14. Based on the executed waiver, the Debtor is aware of the consequences of his waiver and the decision to waive the discharge is voluntary. After receiving and reviewing the waiver, the Debtor decided to execute the voluntary waiver of discharge attached hereto as *Exhibit A*.

WHEREFORE, the U.S. Trustee respectfully requests that this Court enter an order approving Keith Douglas Freeman's waiver of discharge under 11 U.S.C. § 727(a)(10) and for any further relief that this Court deems just and equitable.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: May 28, 2024

By: /s/ Joshua D. Greene
Joshua D. Greene, Trial Attorney
OFFICE OF THE U.S. TRUSTEE
219 S. Dearborn, Room 873
Chicago, IL 60604
(202) 538-4834

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 7 PROCEEDING
)
KEITH DOUGLAS FREEMAN,) CASE NO.24-00059
)
DEBTOR.) HON. DONALD R. CASSLING

VOLUNTARY WAIVER OF DISCHARGE

Keith Douglas Freeman, the Debtor herein, intending to waive any discharge he may be entitled to in the above-captioned bankruptcy proceeding, under penalty of perjury pursuant to 28 U.S.C. § 1746, states:

1. I, Keith Douglas Freeman, pursuant to 11 U.S.C. § 727(a)(10), hereby waive my discharge in the above-captioned bankruptcy proceeding.

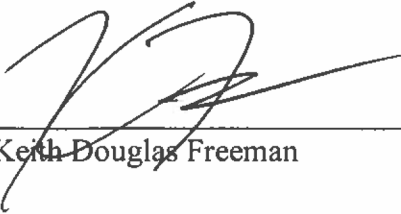
2. I represent: (a) that I have executed this Waiver voluntarily, after consultation with my counsel, Keevan Morgan; (b) that this Waiver represents a conscious and informed judgment to waive my discharge in bankruptcy in the above-captioned bankruptcy proceeding; (c) that I am aware of the consequences of entering into this Waiver; and (d) that I specifically understand that all of my debts and obligations which existed as of the date that I filed this bankruptcy proceeding, whether or not such debts and obligations were listed on my schedules, shall not be dischargeable in this or in any future Chapter 7 bankruptcy proceeding which I may file, provided, however, that this Waiver is not to be construed as an admission by me of any wrongdoing.

3. This Waiver is being executed in accordance with 11 U.S.C. § 727(a)(10).

Respectfully submitted,

KEITH DOUGLAS FREEMAN

By:



Keith Douglas Freeman

APPROVED PURSUANT TO 11 U.S.C. § 727(a)(10) OF THE BANKRUPTCY CODE:

By:

Honorable Donald R. Cassling
United States Bankruptcy Judge

**The Clerk is directed to serve notice to all creditors that the debtor herein has been denied his discharge.*

Please wait...

If this message is not eventually replaced by the proper contents of the document, your PDF viewer may not be able to display this type of document.

You can upgrade to the latest version of Adobe Reader for Windows®, Mac, or Linux® by visiting http://www.adobe.com/go/reader_download.

For more assistance with Adobe Reader visit <http://www.adobe.com/go/acrreader>.

Windows is either a registered trademark or a trademark of Microsoft Corporation in the United States and/or other countries. Mac is a trademark of Apple Inc., registered in the United States and other countries. Linux is the registered trademark of Linus Torvalds in the U.S. and other countries.