

United States Bankruptcy Court  
Northern District of Illinois  
Western Division

Transmittal Sheet for Opinions for Posting

Will this opinion be Published? No

Bankruptcy Caption: In re Michael J. Sandberg

Bankruptcy No. 20-80615

Adversary Caption: N/A

Adversary No. N/A

Date of Issuance: March 24, 2021

Judge: Thomas M. Lynch

Appearance of Counsel:

Attorney for Debtor: James E. Stevens and Darron M. Burke, Barrick  
Switzer Long Balsley & Van Evera LLP

Attorney for United States Trustee: Brian Thill, Madison, WI

Synopsis:

The United States Trustee moved to dismiss the Debtor's bankruptcy under section 707(b) arguing that granting relief would constitute an abuse of chapter 7. After an evidentiary hearing, the court found that the Debtor failed to rebut the presumption of abuse reflected in his Form 122A-2 Chapter 7 Means Test Calculation. In particular, the Debtor failed to demonstrate that his (1) travel expenses to see his out-of-state minor children, (2) vehicle gas and maintenance expenses for his job, and (3) student loan payments constitute "special circumstances" for which

there is no reasonable alternative. Because the Debtor requested to convert his case to chapter 13 after the matter was taken under advisement, the U.S. Trustee's motion was granted, in part, and the case was converted to chapter 13 with the Debtor's consent.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

In re: Michael J. Sandberg,	)	Bankruptcy No. 20-80615
	)	
Debtor.	)	Chapter 7
	)	
	)	Judge Lynch
	)	

**ORDER CONVERTING CASE FROM CHAPTER 7 TO CHAPTER 13**

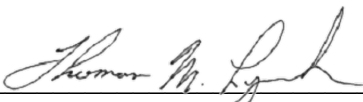
The matter coming before the court initially on the United States Trustee’s motion to dismiss the case pursuant to 11 U.S.C. §§ 707(b) (ECF No. 20, the “UST Motion”), after evidentiary hearing the Debtor filing a motion to voluntarily convert the case from Chapter 7 to Chapter 13 (ECF No. 56, the “Debtor’s Motion”), counsel for the U.S. Trustee indicating on the record that he does not oppose conversion, the court finding that granting of relief would be an abuse of the provisions of Chapter 7 and that the Debtor consents to conversion of the case to Chapter 13, and for the reasons set forth in the Memorandum Opinion issued this contemporaneously with the Order,

**IT IS HEREBY ORDERED:**

1. The UST Motion is granted in part and denied in part.
2. The Debtor’s motion is granted.
3. The case is hereby converted to a case under Chapter 13.

DATE: March 24, 2021

ENTER:

  
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Thomas M. Lynch  
United States Bankruptcy Judge