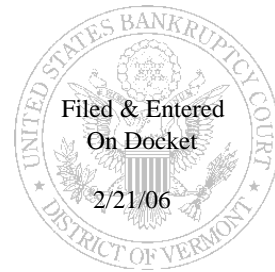


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

Jeanna Sargent
Debtor.

Chapter 7 Case
05-12596

ORDER
VACATING DISCHARGE ORDER
AND DISMISSING PETITION, AND CASE, AS VOID AB INITIO

WHEREAS, on October 16, 2006, Eileen Hongisto, Esq. (the “Attorney”) filed a petition seeking relief under chapter 7 of the Bankruptcy Code for Jeanna Sargent (the “Debtor”); and

WHEREAS the Attorney is not registered with the Case Management – Electronic Case Filing system (“CM/ECF”) as required by Vermont Local Bankruptcy Rule 2090-1(a); and

WHEREAS, on January 23, 2006, the Clerk’s Office issued a notice to the Attorney that articulated the deficiency, informed the Attorney how to cure the deficiency, and directed the Attorney to appear at a hearing to be held on February 21, 2006 (the “Order to Appear”) unless she had cured the deficiency by a date certain; and specifically provided as follows:

PLEASE BE ADVISED that a hearing has been SCHEDULED for **February 21, 2006 at 09:45 AM** at the following location:

U.S. Bankruptcy Court – Rutland, The Opera House, 67 Merchants Row, 2nd Floor, Rutland, VT to consider and act upon the following:

Show Cause Why the paper(s) filed in this Case Should Not be Treated void ab initio for Failure to Register for the Electronic Case Filing System as Required by Vt. LBR 2090–1(a). Attorney Eileen Hongisto shall appear at the hearing, unless the filing defect is cured at least 48 hours prior to the hearing time by either submitting proof that the attorney: has completed the required training and is properly registered for the Electronic Case Filing System, or by having substitute counsel appear in this case, **which will result in the hearing being cancelled.**

WHEREAS, on February 7, 2006, the Court entered a discharge in this case, in error (as the discharge should not have been entered until the validity of the petition was determined at the February 22nd hearing); and

WHEREAS the Attorney neither submitted proof of training and registration by February 19th, nor notified the Court of a substitution of counsel by February 19th, nor appeared at the February 21st hearing;

THE COURT HEREBY FINDS that

- A. the Notice to Appear was adequate both (1) to provide the Attorney with information regarding the nature of the deficiency, the means for curing the deficiency, and the consequences of failing to cure the deficiency; and (2) to give the Attorney a reasonable opportunity to cure the

deficiency;

- B. the Attorney's failure to cure the deficiency in a timely manner or appear at the February 21st hearing constitutes a violation of the Order to Appear; and
- C. the Attorney's failure to register for CM/ECF constitutes a failure to comply with the requirements for practice in this Court and renders her ineligible to practice in this Court.

THEREFORE, IT IS HEREBY ORDERED that

- 1. the discharge is vacated as having been entered in error;
- 2. the petition is declared void *ab initio* as having been filed by an attorney who is not eligible to file papers in this Court; and
- 3. the case is dismissed as void *ab initio*.

SO ORDERED.

February 21, 2006
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge