

ENTERED ON
JUN 07 2005
DOCKET

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
NORMAN WILLIAMS)	
PAMELA WILLIAMS)	CASE NO. 04-70634-MHM
)	
Debtors)	
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CIS CORPORATION)	
)	
Plaintiff)	
v.)	ADVERSARY PROCEEDING
)	NO. 04-9181
NORMAN WILLIAMS)	
PAMELA WILLIAMS)	
)	
Defendants)	

ORDER

Plaintiff in this adversary proceeding is a judgment creditor of Debtor Norman Williams. Plaintiff has no claim against Defendant Pamela Williams. Defendant Pamela Williams filed a motion to dismiss her as a defendant in this adversary proceedings because Plaintiff lacks standing under 11 U.S.C. §727(c). Plaintiff filed a response opposing dismissal. Plaintiff asserts it has standing to proceed against Defendant Pamela Williams because she acted in concert with her husband Norman Williams to transfer or conceal assets.

Standing to seek a denial of discharge under §727(a) is defined in §727(c): "The trustee, a creditor, or the United States trustee may object to the granting of a discharge under subsection (a) of this section." Section 101(10) defines creditor as follows:

- (A) entity that has a claim against the debtor that arose at the time of or before the order for relief concerning the debtor;
- (B) entity that has a claim against the estate of a kind specified in section 348(d), 502(f), 502(g), 502(h) or 502(i) of this title; or
- (C) entity that has a community claim[.]

Plaintiff is not a creditor of Defendant Pamela Williams. Because Plaintiff is not a creditor, Plaintiff lacks standing to object to Pamela Williams' discharge. *Committee of Junior Mortgage Note Holders v. Dygert*, 232 B.R. 155 (Bankr. D. Minn. 1999). Accordingly, it is hereby

ORDERED AND NOTICE IS HEREBY GIVEN that if the Chapter 7 Trustee, the U.S. Trustee or any creditor of Pamela Williams wishes to be substituted for Plaintiff in this proceeding to object to Debtor Pamela Williams' discharge, such person or entity **shall file** a motion for substitution within 20 days of the date of entry of this order. If no motion for substitution is filed within the time allowed, Pamela Williams shall stand dismissed as a defendant in this adversary proceeding.

The Clerk, U.S. Bankruptcy Court is **DIRECTED** to serve a copy of this order upon Plaintiff's attorney, Debtors, Debtors' attorney, the Chapter 7 Trustee, the U.S. Trustee and all creditors.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Plaintiff's attorney, Defendants' attorney, and the Chapter 7 Trustee.

IT IS SO ORDERED, this the 6th day of June, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE