

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT  
HARTFORD DIVISION**

<hr/>	:	<b>CHAPTER</b>	<b>13</b>
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<b>Steven David Santilli</b>	:	<b>CASE NO.</b>	<b>20-20017 (JJT)</b>
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	:	<b>RE: ECF NOS.</b>	<b>69</b>
<b>DEBTOR.</b>	:		
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**ORDER ON MOTION TO DISMISS CASE**

Upon a Motion to Dismiss Case (the “Motion”, ECF No. 69) filed by Roberta Napolitano, the Chapter 13 Trustee (the “Trustee”) in bankruptcy of Steven David Santilli (the “Debtor”), which was filed on June 30, 2021; the Court hereby finds that:

The Debtor has filed two previous Chapter 7 cases and received a discharge in each (in 2000 and 2009, respectively). According to the Debtor's Petition, he is a carpenter by trade (a trade that, the Court notes, has been in high demand recently). According to the Trustee’s Motion, the Debtor, who has been proceeding *pro se*, is five plan payments behind and has failed to file an amended plan as ordered by the Court (which was ordered over a year ago [*see* ECF No. 40]). Upon review of the docket, the Debtor's Petition, his Schedules, the prior hearing notes and the audio recordings of the various hearings before the Court, it appears that this case has remained consistently in a precarious state for the Debtor.

The case was filed on January 6, 2020 (the law day in the Debtor's state court foreclosure action). The Debtor has faced a prior motion to dismiss (ECF No. 32) from the Trustee early on in the case for essentially the same reason as the present Motion, as well as a motion for relief from stay from his mortgage holder (the property is allegedly underwater by a small margin). According to the audio recordings of the hearings held early in the case,

with the pandemic as backdrop, the Trustee and the mortgage holder appeared to want to work with the Debtor in order to see if there was a resolution to the intermittent payment issues. And while the Trustee's prior objection to confirmation (ECF No. 31) indicated that the major infirmities in the Debtor's Plan were that it didn't conform to filed proofs of claims and that the Debtor was behind on plan payments (both fairly fixable issues), the Debtor has nonetheless languished in the preconfirmation phase for over a year and a half (for seemingly no good reason).

Although the Debtor represented at the last hearing that he believed that he is current with his post-petition payments to the mortgage holder, it seems quite possible that this has come at the expense of payments to the Trustee, which arguably calls feasibility into question. While the Debtor also represented that he just recently made four out of the five outstanding payments to the Trustee, there was no offer of proof in support of this claim, nor was the Trustee in a position to confirm that such payments had been made (she also did not give credit to the Debtor's claim that he had tried to contact her in the days leading up to the hearing on the Motion regarding those alleged make-up payments).

All things considered, this isn't the first time that this Debtor has had trouble staying on track in this case. This fact indicates to the Court that there may be certain organizational and financial management issues here that the Debtor has not been able to resolve on his own (despite his efforts) and which will likely persist if the case is allowed to proceed. At the hearing on the Motion, the Debtor acknowledged that he might need an attorney to assist him in getting this case confirmed. The Court is inclined to agree. It seems that counsel is really what this debtor needs here and now. If the Debtor is serious about going forward, there is no demonstrable prejudice in dismissing his case without prejudice (due to the present infirmities), at which point he might be able to promptly refile with the assistance of counsel.

The Court concludes that the record as it stands now (even without more diligence from the Debtor or financial means) would support extending the automatic stay if he was to promptly refile. The Court acknowledges the Debtor's desire to not lose his home to foreclosure, but also must convey the message that the process by which the Debtor might save his home requires good faith, responsiveness, reasonable diligence and the financial resources to fuel earnest forward progress.

Accordingly, the Debtor's Chapter 13 case is hereby **DISMISSED** without prejudice; and it is further.

**ORDERED:** The Chapter 13 Trustee is directed to submit a Final Report and Account within (150) one hundred fifty days from the date of this Order.

**IT IS SO ORDERED** at Hartford, Connecticut this 3rd day of August 2021.

*James J. Tancredi*  
*United States Bankruptcy Judge*  
*District of Connecticut*