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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:)	
STEPHEN M. HARMSSEN)	Bankruptcy Case No. 03-33637 JAB
)	(Involuntary Chapter 7)
Debtor)	
)	MOTION TO REOPEN CASE
)	

Stephen M. Harmsen, by and through his counsel of record, hereby moves this Court for an order reopening his Chapter 7 bankruptcy case pursuant to Bankruptcy Rule 5010 and 11 U.S.C. § 350 as follows:

1. On August 9, 2003 The Society of Lloyds (“Petitioner”) filed an involuntary Chapter 7 petition against Mr. Harmsen in this Court, case number 03-33637.
2. On April 13, 2004, this Court entered an Order of Dismissal dismissing the involuntary petition. The Court concluded that Mr. Harmsen was generally paying his debts as such debts became due, and therefore that Petitioner’s involuntary petition should be dismissed. However, the Court denied Mr. Harmsen any claim for costs or attorneys’ fees under § 303(i)(1)(A) and (B), and for damages under § 303(i)(2), finding that Mr. Harmsen had not presented evidence sufficient to support such a finding.

3. It would have been impossible for Mr. Harmsen to present evidence of costs and attorneys' fees before the end of the trial because Mr. Harmsen could not have known what they were at the time.

4. Mr. Harmsen has filed a Motion for Reconsideration with the Court. In his Motion, Mr. Harmsen does not seek to alter or amend the Court's dismissal of the involuntary petition. Mr. Harmsen merely requests that the Court reconsider that portion of its Memorandum Decision entered on April 13, 2004 which denied Mr. Harmsen any claim for costs and reasonable attorney fees under § 303(i)(1)(A) and (B) of the Bankruptcy Code, and damages under § 303(i)(2), and requests that the Court retain jurisdiction to determine fees and damages.


5. Section 350 of the Bankruptcy Code allows this Court to reopen Mr. Harmsen's bankruptcy case "to accord relief" to Mr. Harmsen or "for other cause."

6. Here, Mr. Harmsen seeks to reopen his bankruptcy case in order to allow the Court to make a determination under § 303(i). Such requested relief constitutes cause to reopen the case under §350.

WHEREFORE, Mr. Harmsen respectfully requests that this Court grant an Order reopening the bankruptcy case.

Dated: April ^{Brd}2, 2004.

HOLLAND & HART LLP

By: 
Mona Lyman Burton
Inga Regenass
Counsel for Stephen M. Harmsen

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23 day of April, 2004, a copy of MOTION TO REOPEN CASE was sent by mail and facsimile to the following:

Michael N. Zundel
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