



Opinion 559

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Opinion Title: 08/31/2012 PUBLISHED In re Blackstone Financial Group Business Trust vs Myler, 12-02231 , Judge Marker.

Body: Creditor in a closed chapter 7 case filed an untimely complaint under § 727 seeking to revoke the debtors' discharge, or alternatively to obtain a determination that its particular claim was not subject to discharge under § 523. The Debtors moved to dismiss the complaint as impermissibly late, and the creditor asserted that its claims remained viable under the doctrine of equitable tolling because it did not discover the facts alleged in the complaint until well after the debtors received their discharge. Based on the clear language in § 727(e)(1) and (2) and the case law concerning Rule 4007(c), the Court held that the doctrine of equitable tolling did not apply and the motion to dismiss was granted.

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Judge: [Judge Joel T. Marker](#) [2]

Date: Friday, August 31, 2012

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