

The document below is hereby signed.

Dated: June 8, 2012.



S. Martin Teel, Jr.

S. Martin Teel, Jr.
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
ELLIPSO, INC.,)	Case No. 09-00148
)	(Chapter 11)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER DENYING JOHN
PAGE'S REQUEST FOR REFUND OF \$176 FILING FEE RELATING
TO THE MOTION TO WITHDRAW THE REFERENCE FILED IN THIS CASE

John Page filed a *Motion to Withdraw the Reference to Motion to Revoke Confirmation of the Joint Plan of Reorganization* on May 28, 2012 (Dkt. No. 1688), but did not pay the required \$176 filing fee at that time. On June 3, 2012, Page deposited in the clerk's office after-business-hours-filing-box various documents:

- a check for \$176.00 referring to "Ellipso Inc. 09-00148 Fee Motion to Withdraw Reference;"¹
- a withdrawal (Dkt. No. 1697) of the motion to withdraw the reference;

¹ The clerk applied the payment to the motion to withdraw the reference in this bankruptcy case as of the next business day, June 4, 2012, the day the check was retrieved from the after-business-hours-filing-box.

- a complaint (commencing an adversary proceeding later assigned Adv. Proc. No. 12-10026);
- a motion to withdraw the reference of that adversary proceeding (later docketed as Dkt. No. 2 in Adv. Proc. No. 12-10026); and
- a letter dated June 3, 2012 (Dkt. No. 1698).

In the letter dated June 3, 2012 (Dkt. No. 1698), John Page states: "Yesterday [sic] I deposited a check to you for \$176 with regard to a Motion to Withdraw the Reference. Today, I have filed a replacement motion, please apply the payment to the replacement since the original filing is withdrawn."

Page's letter amounts to a motion for a refund of the \$176 filing fee deposited on June 3, 2012, with respect to the motion to withdraw the reference filed in the bankruptcy case, and for the court to apply the \$176 refund to his later motion to withdraw the reference filed in the adversary proceeding. The only basis for a refund advanced by Page is that he withdrew the motion to withdraw the reference that he had filed in the bankruptcy case, but this argument fails because the withdrawal of a motion does not trigger an entitlement to a waiver or refund. Paragraph 19 of the Bankruptcy Court Miscellaneous Fee Schedule, which governs the fees for filing a motion to withdraw the reference, includes no provision for waiver or refund of the fee upon withdrawal of such a motion. See Appendix to 28 U.S.C.

