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SEP 19 2019

U.S. BANKRUPTCY COURT
NEWARK, N.J.
BY *[Signature]* DEPUTY

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:	
ROBERT G. SCHROEDER,	
	Debtor.
Grace S. Wong,	
	Plaintiff.
v.	
Robert J. Mancinelli,	
	Defendant.

Case No.: 13-16624-JKS

Adv. Pro.: 16-01102-JKS

Judge: Hon. John K. Sherwood

**DECISION AND ORDER
REGARDING PLAINTIFF'S MOTION
TO REOPEN ADVERSARY PROCEEDING**

The relief set forth on the following pages, numbered two (2) and three (3), is hereby
ORDERED.

[Signature]
HONORABLE JOHN K. SHERWOOD
UNITED STATES BANKRUPTCY JUDGE

Dated: September 19, 2019

BACKGROUND AND PROCEDURAL HISTORY

1. On February 2, 2016, Grace S. Wong (hereinafter "Plaintiff") filed this adversary proceeding against Robert J. Mancinelli (hereinafter "Defendant"), alleging fraudulent misrepresentation, fraud, and unjust enrichment in connection with financial transactions between Plaintiff, Robert Schroeder, the debtor in this bankruptcy case, and related entities.
2. On May 24, 2016, this Court granted Defendant's Motion to Dismiss the adversary proceeding because this Court lacked jurisdiction over the matter.¹ The matter was dismissed without prejudice so that Plaintiff could pursue the litigation in State Court.
3. According to Defendant, Plaintiff filed suit against him in the Superior Court of New Jersey, Bergen County Law Division, in August 2018. That lawsuit was dismissed on September 14, 2018. Plaintiff filed an appeal which was dismissed as of June 14, 2019.²
4. On July 1, 2019, Plaintiff filed a motion in this Court to reopen this adversary proceeding pursuant to 11 U.S.C. § 350(b).

LEGAL ANALYSIS

5. Section 350(b) of the United States Bankruptcy Code provides that a bankruptcy case may be reopened in the court in which it was closed in order "to administer assets, to accord relief to the debtor, or for other cause."³ This section addresses the court's power to reopen bankruptcy cases, not adversary proceedings.

¹ See ECF No.13 and 15.

² See ECF No. 20.

³ 11 U.S.C. § 350(b).

6. Plaintiff is seeking relief from an order dismissing an adversary proceeding. Such a motion must be made in a timely manner pursuant to Bankruptcy Rule 9024. Also, Plaintiff had the right to appeal the May 24, 2016 order dismissing this adversary proceeding but she did not exercise this right.
7. Plaintiff seeks relief from an order that was entered more than three (3) years ago pursuant to an inapplicable section of the Bankruptcy Code. The Court has reviewed its decision to dismiss this adversary proceeding in May 2016 and believes it was correct.

CONCLUSION

8. For the foregoing reasons, the Plaintiff's motion to reopen the adversary proceeding is denied.