

02-819 KONTRICK v. RYAN

Ruling below: CA 7, 295 F.3d 724.

QUESTION PRESENTED

The deadlines for objecting to a debtor's discharge in bankruptcy are set by Bankruptcy Rule 4004. The Fifth, Tenth and Eleventh Circuits and a majority of the district and bankruptcy courts hold that the deadlines for objecting to discharge are jurisdictional and cannot be waived. On the other hand, the Second, Fourth and Seventh Circuits and a minority of district and bankruptcy courts follow the view that such time limits are not jurisdictional and may be waived. Thus, the question presented is whether the deadlines established by the bankruptcy rules for objecting to discharge are jurisdictional.

CERT. GRANTED: 4/28/03