


ORDERED.

**Dated: November 02, 2015**

  
Cynthia C. Jackson  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re:

Andrey Barhatkov

Case No. 6:12-bk-10960-CCJ  
Chapter 7

Debtor.

\_\_\_\_\_ /

**ORDER DENYING EMERGENCY MOTION  
TO RE-OPEN AND REVOKE CHAPTER 7 BANKRUPTCY CASE**

This case came before the Court for hearing on September 17, 2015, for consideration of the Debtor's Emergency Motion to Re-Open and Revoke Chapter 7 Bankruptcy Case (Doc. No. 65; the "Motion"). By the Motion, the Debtor seeks to re-open his Chapter 7 case and revoke his own discharge in an effort to halt the impending foreclosure sale of a previously surrendered property, located at 3424 Stewart Blvd, Kissimmee, FL, 34746 (the "Property"). For the reasons stated in court, which are set forth below, the Motion is denied.

On August 13, 2012, Debtor filed a Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code (Doc. No. 1), in the above-styled case. The case was dismissed on September 4, 2012 (Doc. No. 17), for failure to file information, but was subsequently converted to Chapter 7 on October 30, 2012 (Doc. No. 35), on motion by the Debtor (Doc. No. 32). The Debtor did not claim the Property as exempt, nor did he indicate that he wished to redeem or reaffirm the Property. Rather, on his Statement of Intentions, the Debtor indicated that he intended to surrender the Property. The Debtor received a standard discharge on February 26, 2013 (Doc. No. 52).

Creditor, Indymac Federal Bank, FSB's predecessor-in-interest initiated an action for mortgage foreclosure on December 8, 2008, in the case styled, *Indymac Federal Bank, FSB v. Barhatkov, Andrey* ("Foreclosure Action"), in the Ninth Circuit Court for Osceola County, Florida (Case No. 2008 CA 011580 MF). Since the Foreclosure Action was commenced, six separate Suggestions of Bankruptcy have been filed to halt foreclosure of the Property:

1. November 5, 2009; Case No. 6:09-bk-16887-ABB (Mila Barhatkov)
2. July 21, 2010; Case No. 6:10-bk-12801-ABB (Mila Barhatkov)
3. September 10, 2010; 6:10-bk-16141-ABB (Debtor and Leslie Barhatkov)
4. August 18, 2011; 6:11-bk-12488-ABB (Debtor)
5. March 20, 2014; 6:14-bk-03096-CCJ (Debtor)
6. June 4, 2015; 6:15-bk-04890-KSJ (Vitold Barhatkov)

In addition to the present case and those outlined above, either the Debtor, or what appear to be members of the Debtor's family, has filed seven other bankruptcy cases in the Middle District of Florida, presumably to stop foreclosure sales of numerous other properties with which the Debtor is involved:

1. April 13, 2009; Case No. 6:09-bk-04784-ABB (Debtor)
2. November 5, 2009; Case No. 6:09-bk-16888-ABB (Debtor and Leslie Barhatkov)
3. January 22, 2010; Case No. 6:10-bk-00920-ABB (Mila Barhatkov)
4. January 22, 2010; Case No. 6:10-bk-00921-ABB (Debtor and Leslie Barhatkov)
5. June 30, 2010; Case No. 6:10-bk-11543-ABB (Debtor)
6. July 27, 2011; Case No. 6:11-bk-11293-ABB (Leslie Barhatkov)
7. August 17, 2011; Case No. 6:11-bk-12488-ABB (Debtor)

With the exception of the present case, each of the Barhatkov's cases was dismissed for failure to file information or make plan payments. Thus, the Debtor's behavior demonstrates a consistent pattern of abusing the bankruptcy process to stop foreclosure sales.

Even if the Debtor's abuse of the bankruptcy system was not so clearly evidenced, the Court still would not reopen the case to consider the relief sought by the Debtor. Pursuant to Section 727(d) of the Bankruptcy Code, only the trustee, a creditor, and the United States Trustee are authorized to seek revocation of a debtor's discharge. The Bankruptcy Code makes no provision for the Debtor to revoke his own discharge. As a result, the Court declines to indulge the Debtor's latest stall tactic or drag the Foreclosure Action out any longer.

For the reasons set forth above, it is ORDERED that:

1. The Motion is denied.
2. The Chapter 7 Bankruptcy Case remains closed.
3. In accordance with 11 U.S.C. § 105(a) and § 109(g), the Debtor is enjoined from filing for relief under Title 11 of the United States Code for 2 years from the date of this Order.

4. The automatic stay, as provided under 11 U.S.C. § 362, shall not apply to the Property to the extent that the Debtor or any other party with an interest in the Property files any bankruptcy case in any bankruptcy court during the injunction period stated.

Attorney Andrey Barhatkov is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.