UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

Cite as: 2016 WL 2941204

In re: George Michael Montgomery, Debtor
Bankruptcy Case No. 01-33567-7

United States Bankruptcy Court
W.D. Wisconsin, Madison Division

April 13, 2016

Roger Gene Merry, Monroe, WI, for Debtor

Robert D. Martin, United States Bankruptcy Judge

MEMORANDUM DECISION

In the immortal words of Judge Easterbook in *Pettibone v. Easley*, 935 F.2d 120, 121 (7th Cir. 1991): "Only a belief that bankruptcy is forever could produce a case such as this." The debtor has moved in 2015 to reopen his case, closed in 2001, to determine dischargeability of his student loan debt. That motion must be denied.

On September 20, 2001, debtor George Montgomery's chapter 7 case was closed by this court after granting him a discharge. On September 25, 2015, Montgomery moved to reopen that case.

In September of 1987, Montgomery, while 17 years old and still in high school, borrowed money to go to college. But, before he began his post-secondary education, he dropped out of high school and joined the Army.

In his 2001 bankruptcy case Montgomery received a general discharge. However, he failed to list his student loan debt in his bankruptcy schedules. In response to a creditor's collection efforts, on September 25, 2015, Montgomery moved to reopen his bankruptcy to discharge his student loan debt or at least to determine that it was "impossible under any mathematical computations for the amount claimed by the creditor to have risen from $1,500 to $20,061."

Montgomery claimed that his minority at the time of entering into the loan agreement was a complete defense to the enforcement of the agreement. But, during the preliminary hearing, I pointed out that 20 U.S.C. § 1091a(b)(2) eliminates the defense of

infancy to the collection of a federal student loan debt. Nonetheless, he argues that under § 1091a(b)(1) the 'collection costs' being sought by the creditor here are not "reasonable," because the $20,061.73 claimed is so much more than the original principal of $1,500.

Even if the debtor's contentions had merit, which our research suggests that they do not, bringing this claim at this time in this court does not work. The defenses can certainly be raised in any court seeking to enforce the creditor's collection of the obligation, but for the reasons articulated by Judge Easterbook in *Pettibone*, there is no justification for reopening a case closed for over 14 years so that this court can exercise jurisdiction.