

1.)

In our court case the plaintiff brings the case to court because of the fact that the defendant who is Alexandra Arkuszewski had not submitted her proof completing her required credit counseling. This court case was based upon a bankruptcy case which in this case required the plaintiff to complete credit counseling. The arguments that the court makes is that Alexandra was indeed not able to submit her proof of completion of her credit counseling by the due date and designated time. Even, though the defendant had all the information she needed in order to submit her files on time Alexandra was still late in the process of submitting the proof to her credit counseling in which she should be held responsible for her inability to submit the proof for credit counseling on by the deadline.

In the eyes of the defendant the arguments that Alexandra may be able to present is the fact that even though she did submit her proof of credit counseling on day, but just past the deadline time the clerk to whom she had turned her paperwork into had said although the time to submit these documents have passed that it still would probably be good enough to be used in the case. The sole fact that the clerk she had been dealing with in order to submit her documents gives her a solid case and argument because the clerk had said that even though the documents are being submitted later than the time it was due on the certain day that it would still be valid and be alright to be used as the proof required. In a case like a bankruptcy case credit counseling is most likely required for the defendant to go through the process.

Both sides as the plaintiff and defendant have their share of solid arguments in which can be used to determining the outcome of this case. On one hand we have the plaintiff filing a bankruptcy to the defendant in which, on the other hand the defendant is served the bankruptcy case and is required to complete the process of credit counseling. There is a pretty even argument on both sides as one side the defendant indeed didn't submit the required documents on time, however the catch here was the fact the clerk had assured Alexandra that the documents of Alexandra for her credit counseling would still be good enough knowing the fact that Alexandra was actually late in submitting the necessary paper by the deadline.

2.)

One of the regulations known as the re Walker, 502 B.R. 324, 328 states that the 180-day period would extend any to any time before midnight. This is a regulation that can be used in favor of the defendant as the defendant basically had submitted the

paper work stating that she had received her credit counseling just hours after the deadline time. This regulation would help her as long as she submits the papers anytime on the day the paper is due regardless of the time submitted it just needs to be submitted by the deadline date. This would be one that may be used as Alexandra had indeed submitted her paper work on the day it was due just not by the designated time period in which has been brought up in this court case.

As Alexandra was unable to turn in her required proof and documents for her credit counseling, there can be a question that can be called into question as she was technically told by the clerk at the desk at the time of her submitting her documents that even the deadline time to submit her documents have passed and that they should still be good to be used in court, the regulation should be something that needs to be taken into consideration of actually be put into play. Although in the end the blame does fall on the shoulders of Alexandra for submitting her documents late, the fact can't be ignored that she was told by the front desk clerk that the documents would be no problem and that it should be alright to be used and viewed as valid in the case.

Another statute used in this case was from section 109(h) which states that if a person were to qualify as a debtor to file a case, then a person who hasn't received a credit counseling cannot properly file. This contradicts a lot about this whole case because in order for the defendant in Alexandra to be considered a debtor she needs to receive credit counseling first before being able to file a case properly. This statute states that in order to be able to file a case as a debtor the defendant must complete the necessary credit counseling needed in order to be considered or even be able to properly file a case in court as a debtor. In this court case this was not the case as Alexandra did receive credit counseling but was unable to submit her proof of credit counseling on time.

The statute of section 109(h) brings a lot to question and to consider because according to the statute Alexandra would not be able to file her case to court as the debtor because of the fact she had not received her credit counseling. Even though she technically Alexandra had received her credit counseling it doesn't matter because of the fact that she had not been able to submit her proof of credit counseling on time. This basically means that Alexandra would not have been able to file and not been able to view her case as a legit case because of the incomplete processes by Alexandra which was her not being able to submit her documents in the time she was supposed to submit them.