

7.15.11

First Circuit

WARCHOL v. BARRY (IN RE: BARRY), 2011 Bankr. LEXIS 2203 (BAP 1st Cir. 6/9/11) (Before Bankruptcy Judges Haines, Votolato and Deasy, Opinion by Votolato).

Creditor did not have claim against the wife, so his successful challenge to the debtor-husband's discharge cannot be imputed to deny the debtor-wife's discharge.

HARRIS v. HSBC BANK USA (In re: RONEY HARRIS), 2011 Bankr. LEXIS 2333 (Bankr. D. Mass. 6/20/11) (Henry J. Boroff, Bankruptcy Judge).

Remand moot where mortgagee withdrew stay relief motion.

In re: THOMAS L. REDWOOD, Chapter 13 Debtor, 2011 Bankr. LEXIS 2371 (Bankr. D.R.I. 6/16/11) (Arthur N. Votolato, Bankruptcy Judge).

Stripping off wholly unsecured second mortgage is not "changed circumstance" to re-file within 180 days when prior case was voluntarily dismissed after stay relief motion.

LAW OFFICES OF ROBERT J. CARNAVALE v. SKALTSAS (In re: JOHN C. SKALTSAS), 2011 Bankr. LEXIS 2396 (Bankr. D. Mass 6/22/11)(Melvin S. Hoffman, Bankruptcy Judge).

Creditor not allowed to prove challenge to discharge based on debtor's failure to answer request for admissions.

SCOTIABANK DE PUERTO RICO V. PR ACQUISITONS, LLC (IN RE DIAZ), 2011 Bankr. LEXIS 2367 (D.P.R. 6/13/11) (Brian K. Tester, Bankruptcy Judge).

Debtors' failure to respond to admissions was excused, and such failure will not then support the adversary's summary judgment motion.

AGIN, v. DANIELS (IN RE: DANIELS), 2011 Bankr. LEXIS 2346 (Bankr. D. Mass. 6/16/11)(William C. Hillman, Bankruptcy Judge).

Debtor's profit sharing plan, with him as sole participant, did not qualify as an exempt IRA; and even if it did, failure to disclose the alleged IRS's would deny him the exemption.

LAWLESS v. ROMEO (In re: ROMEO), 2011 Bankr. LEXIS 2364 (Bankr. D.R.I. 6/15/11) (Arthur N. Votolato, Bankruptcy Judge).

Failure to plead with specificity on discharge issues leads to dismissal.

In re: RODRIGO HERNANDEZ, 2011 Bankr. LEXIS 2372 (Bankr. D.R.I. 6/16/11) (Arthur N. Votolato, Bankruptcy Judge).

Stay relief and costs and fees incurred for the motion awarded to secured creditor on debtor's auto.

In re: FOX, Chapter 7 Debtors, 2011 Bankr. LEXIS 2370 (Bankr. D.R.I. 6/16/11) (Arthur N. Votolato, Bankruptcy Judge).

Wells Fargo, as successor-in-interest to debtor's mortgagee, has standing to seek relief from stay as to debtor's realty.

WISCOVITCH-RENTAS v. SANTA (IN RE: LASER REALTY, INC.), 2011 Bankr. LEXIS 2281 (Bankr. D.P.R. 6/7/11) (Enrique S. Lamoutte, Bankruptcy Judge).

Preference payments recovered where corporate funds used to pay personal creditor cards; "mere conduit" and "earmarking" defenses fails.

MEDICAL EDUCATIONAL AND HEALTH SERVICES, INC. V. INDEPENDENT MUNICIPALITY OF MAYAGUEZ, ET ALS., (IN RE: MEDICAL EDUCATIONAL AND HEALTH SERVICES, INC.), 2011 Bankr. LEXIS 2280 (D.P.R. 6/7/11) (Brian K. Tester, Bankruptcy Judge).

Dismissal denied as factual allegation sufficient to support a claim; impleader proper where same set of core facts and it promotes judicial economy.

JOHN A. KELLY v. DEUTSCHE BANK NATIONAL TRUST COMPANY, 2011 U.S. Dist. LEXIS 61983 (D. Mass. 6/9/11) (Richard G. Stearns, District Judge).

Recoupment cannot be used to obtain affirmative relief, thus a time barred rescission claim will not succeed.

Submitted By:

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