

7.29.11

First Circuit

In re: Trikeenan Tileworks, Inc., Trikeenan Holdings, Inc., and Trikeenan Tileworks, Inc. of New York, 2011 BNH 8; 2011 Bankr. LEXIS 2673 (Bankr. D.N.H. 7/14/11)(unpub.)

(Competing plan of reorganization found to be proposed in good faith as creditor's purchase of an unsecured claim to possess standing to propose the competing plan was legitimate under these facts; Debtor's plan denied confirmation because it violated "cramdown" in that equity shareholders retained their interests in contravention of the "absolute priority rule" without giving "new value" to justify retention of their interests and thus the plan was not "fair and equitable"; Waiver of claims is not "new value" as it was not necessary to an effective reorganization, and where the new value was not disclosed in the plan or disclosure statement.)(J. Michael Deasy, Bankruptcy Judge).

Bell v Bankowski (In re: Bell), 2011 U.S. Dist. LEXIS 74580 (D. Mass. 7/12/11)

(District Court affirmed Bankruptcy Court's denial of Chapter 13 confirmation where debtor sought to change the terms of the note and mortgage of a secured creditor whose claim was bifurcated into secured and non-secured portions, but not pay the present value of the secured portion of the claim over the life of the plan.)(Denise J. Casper, District Judge).

GROSSO v. MILLER, 2011 U.S. Dist. LEXIS 74154 (D. Mass. 7/8/11)

(District Court would not stay the Bankruptcy Court's Order finding the appellant in contempt and incarcerated for failure to produce the diamonds ordered attached, pending conclusion of the related adversary proceeding.)(Rya W. Zobel, District Court Judge).

In re: HALL, 2011 Bankr. LEXIS 2623 (Bankr. D. Mass. 7/7/11)

(Debtor's exemption of "unknown value" of lawsuit under the "wildcard" is limited to the statutory dollar limits of 11 U.S.C. §522(d)(5))(Henry J. Boroff, Bankruptcy Judge).

In re: BECKETT, 2011 Bankr. LEXIS 2626 (Bankr. D. Mass. 7/7/11)

(No sanctions as automatic stay was not violated by insurance company because they had no affirmative duty to move to reinstate the debtor's license.)(Henry J. Boroff, Bankruptcy Judge).

MERS v. AGIN (In re: BOWER), 2011 U.S. Dist. LEXIS 78465(D. Mass 7/18/11)

(Interlocutory appeal denied; relief denied without prejudice with leave to re-bring once the Bankruptcy Court had rendered a final order on all counts of the adversary proceeding.)(Joseph L. Tauro, District Judge).

VASQUEZ v. COUNTRYWIDE HOME LOANS, INC., MERS (In re: VASQUEZ), 2011 Bankr. LEXIS 2641 (Bankr. D.R.I. 7/7/11)

(Disputed fact issues prevent judgment on the pleadings re TILA claims)(Arthur N. Votolato, Bankruptcy Judge).

BERLINER v. PAPPALARDO (In RE: PUFFER), 2011 U.S. Dist. LEXIS 73602 (D. Mass. 7/8/11)

(District Court affirmed Bankruptcy Court's denial of fees to debtor's counsel when the purpose of the Chapter 13 case was to pay debtor's counsel.)(Michael A. Ponsor, District Judge).

BERLINER (In Re: SULLIVAN) v. PAPPALARDO, 2011 U.S. Dist. LEXIS 63484 (D. Mass. 6/15/11).

District Court affirmed Bankruptcy Court's reduction in debtor's counsel's fees which was not an abuse of discretion when the work at issue approached file churning.)(Michael A. Ponsor, District Judge).

Submitted by:

PATRICIA S. GARDNER, ESQ.

THE GARDNER LAW FIRM

PO Box 453, Newmarket, NH 03857

Phone: (603) 766 - 4933

Fax: (603) 292 - 5207

email to: GardnerBusinessLaw@gmail.com

web site: www.GardnerBusinessLaw.com