



AMERICAN
BANKRUPTCY
INSTITUTE

2018 Hon. Eugene R. Wedoff Seventh Circuit Consumer Bankruptcy Conference

"I'll Take the Constitution for \$500": "Case Law Jeopardy," the 2018 Version

Ronald R. Peterson, Moderator

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CASE LAW JEOPARDY 2018

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I Wish to Avoid You	Litigation, the Sport of Kings	Lucky 13	Exemptions	Potpourri
<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>
<u>\$400</u>	<u>\$400</u>	<u>\$400</u>	<u>\$400</u>	<u>\$400</u>
<u>\$600</u>	<u>\$600</u>	<u>\$600</u>	<u>\$600</u>	<u>\$600</u>
<u>\$800</u>	<u>\$800</u>	<u>\$800</u>	<u>\$800</u>	<u>\$800</u>
<u>\$1000</u>	<u>\$1000</u>	<u>\$1000</u>	<u>\$1000</u>	<u>\$1000</u>
FINAL JEOPARDY				

Cashier's checks drawn by third parties do not constitute property of the debtor, even if they pay an antecedent debt.

Answer

What Is...

In re Jason E. Myers
**15-524220 (Bankr. N.D. Ohio
September 28, 2018)**



Let's claw back tuition

Answer

What Is...

In re Adamo

582 F.R. 267 (Bankr. E.D.N.Y 2018)



**New Value does not have to be
limited to invoices that remained
unpaid**

Answer

What Is...

***In re BFW Liquidation, LLC*
17-13588 (11th Cir. August 14, 2018)**



The Value of Thing is exactly
what it will bring to somebody

Answer

What Is...

In re Caribbean Fuels America,
688 Fed. Appx 890 (11th Cir 2017)



My ex-wife took my home

Answer

What Is...

In re Thorpe 881 F.3d536 (7th Cir.2018)



**College doesn't have to lend
you the money to create a non-
dischargeable debt**

Answer

What Is...

***In re Hazelton* No.16-12372
(Bankr. W.D. Ws 2018)**



**When it comes to Judicial Estoppel,
“Consistency is the Hobgoblin of a
small mind”**

Answer

What Is...

***Clark v. All Acquisition LLC*
886 F.3d 261 (2nd Cir. 2017);
Slatger v. United Steel 2017 WL
4110047 (11th Cir 2017)**



The Hangman's Verse of Bankruptcy Equitable Tolling

Answer

What Is...

In re Milby
875 F.3d 129 (9th 2017)



Arbitration Clause does not prevent a credit card company from being sued for violating the discharge injunction

Answer

What Is...

***In Anderson: Credit One Bank*
884 F.3d 382 (2nd Cir. 2018)**



DAILY DOUBLE

Date of Injury determines whether it is property of the estate. Not recognition of the claim.

Answer

What Is...

In re Carroll 2018 WL 2754487 (Bankr. E.D. Cal 2018)

But also see *In re Vasquez* 581 B.R. 59 (Bankr. D.VT 2018)



**Creditors don't have to be paid for a
Chapter 13 debtor to get his discharge**

Answer

What Is...

In re Finley/Gibson 12-414 57
(Bankr. S.D. Ill. 2018)

In re Gibson 582 B.R. 15 (Bankr. C.D. Ill. 2018)

In re Bethe 2017 WL 3994813 (Bankr. E.D. Wisc.
2017)



Exceeding the Debt Caps are fatal
v.
Exceeding the Debt limit is not fatal

Answer

What Is...

***In re Pratola* 2018 WL 4181498**
(N.D. Ill. 2018)

v.

***In re Fishel* 583 B.R. 474 (Bankr. W.D.**
Wis. 2018)



I don't have to pay those pesky
unsecured creditors post-petition interest

Answer

What Is...

In re George M McKinney 18-70417
(Bankr. S.D. Indiana 2018)



**Whoops I forgot! No objection
and claim provided in the plan.
Nevertheless, claim disallowed.**

Answer

What Is...

In re Benner 15-31477
(Bankr. N.C. Ind. 2018)



401(k) payment deductions appropriate in Chapter 13

Answer

What Is...

In re Davis 17-70784
(Bankr. C.D. Ill. 2018)



**19 Years is not too long to
claim a homestead exemption**

Answer

What Is...

In re Mascato 582 B.R. 599
(Bankr. W.D.N.Y. 2018)



Illinois Law Does not Save your inherited I.R.A. Exemption

Answer

What Is...

In re Smith 17-713171
(Bankr. C.D. Ill. 2018)



Don't need to object to an
exemption if you file an
adversary

Answer

What Is...

In re Lee 889 F.2d 639
(9th Cir. 2018)



**Debtor cannot avoid a judicial lien in excess
of his homestead exemption**

Answer

What Is...

*William F. Sandavol Irrevocable Trust v.
Taylor*

899 F.3d 1126 (10th Cir. 2018)



**Should set up costs be included in
valuation for purposes of Chapter 13
valuations**

Answer

What Is...

In re Kayla Glenn
900 F.3d 187 (5th Cir. 2018)



Factoring client accounts receivable, and Lack of Disclosure

Answer

What Is...

In re Stewart 583 B.R. 775 (Bankr.
W.D. Ok. 2018)



Citation liens are forever

Answer

What Is...

In re Smiley 17-27169
(Bankr. N.D. Ill. 2018)



**Heart full of Love, Mind Full
of Mush - Contumaciously
Yours**

Answer

What Is...

**An unreasonable good faith belief that action
does not violate the discharge.**

**See circuit split *In re the Preserve* 17-1357
(B.A.P. 9th Cir. 2018) yes *IRS v. Murphy* 802
F.3d 29**



Tax Refunds in Bankruptcy – Losers Keepers, Losers Weepers

Answer

What Is...

Gargula v. Cooper
AP 18-9004 (Bankr. C.D. Ill. 2018)



Short Sales: Pigs get fat and hogs get slaughtered

Answer

What Is...

In re Reynolds 2018 WL 2176082
(Bankr. D. Utah 2018)



TOPIC: Discharge

**The Written Word is Always There:
The Verbal Word is as Thin as Air.
Something important in the last six months**

Answer

What Is...

Lamar Archer & Cafrin , LLP v. Appling 138
S.Ct 1752 (2018)
June 4, 2018

