



CASE LAW UPDATE FOR Q2 2019
ISSUE OF THE COURT CONNECTION

Editors:

Bradley M. Saxton & C. Andrew Roy, Winderweedle, Haines, Ward & Woodman, P.A.

Eleventh Circuit Cases

In re Fundamental Long Term Care, Inc.

753 Fed. App'x 878 (11th Cir. Feb. 25, 2019)

Eleventh Circuit affirmed award of costs for deposition transcripts under Rule 7054(b) and 28 U.S.C. § 1920. In doing so, the Eleventh Circuit rejected an argument that costs were not recoverable because the transcripts were not used in the specific dismissal motion that resulted in the defendant/movant being dismissed from the adversary proceeding.

Bankruptcy Court Cases

In re Zalloum

2019 WL 548545 (Bankr. M.D. Fla. Feb. 11, 2019) (Jennemann, J.)

Bankruptcy court entered detailed order overruling debtor's objection to bank's claim to stop debtor from making "a mockery of judicial system for years by frustrating the claims of legitimate secured creditors" and prohibit the debtor from continuing to "manipulat[e] the bankruptcy system and wast[e] the time of numerous appellate and state courts hoping to get two free homes."

In re Anthony

Case 8:13-ap-00629-RCT (Bankr. M.D. Fla. Feb. 28, 2019) (Colton, J.)

In case involving the infamous Casey Anthony, court granted the debtor/defendant's motion for summary judgment and concluded that plaintiff's defamation claim against her failed to meet the standard for nondischargeability under § 523(a)(6).

In re Malave

2019 WL 259427 (Bankr. M.D. Fla. Jan. 17, 2019) (Jennemann, J.)

Debtor failed to credibly explain why she transferred \$12,000 to an account she held with her son shortly before filing her bankruptcy case, and debtor listed account as having \$0 balance and solely owned by her son. Instead of amending her schedules, she removed herself (post-petition) from the account. The bankruptcy court denied the debtor's discharge.