

CASE LAW UPDATE FOR Q4 2019
ISSUE OF THE COURT CONNECTION

Editors:

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Bankruptcy Court Cases

In re Rodriguez-Martin

2019 WL 3948369 (Bankr. M.D. Fla. July 31, 2019) (Funk, J.)

Court sets aside a default judgment under the “good cause” standard of Fed. R. Civ. P. 55(c), where Court finds the attorney believed he was working with the Trustee toward settlement, and there would be no prejudice to the Trustee/Plaintiff.

In re Barker Boatworks

2019 WL 3365886 (Bankr. M.D. Fla. July 25, 2019) (Williamson, C.J.)

Debtor sought turnover of fiberglass boat molds. Court held that fabricator of molds, who was in possession of the molds, held an enforceable lien under F.S. 713.596, based upon possession, and was therefore entitled to adequate protection as a condition of turnover.

In re Fricks

603 B.R. 506 (Bankr. M.D. Fla. July 12, 2019) (McEwen, J.)

In dischargeability adversary proceeding, Court addressed the collateral estoppel effect of a prior state court judgment and held that where the prior judgment contained no factual findings, it could not grant summary judgment. Furthermore, factual issue with respect to the reasonableness of the creditor’s reliance precluded entry of summary judgment.

In re Zalloum

2019 WL 2754660 (Bankr. M.D. Fla. July 1, 2019) (Jennemann, J.)

Court grants stay relief under § 362(d), dismisses case, and imposes permanent injunction prohibiting debtor from filing any future bankruptcy case, where Court finds debtor has made a mockery of the judicial system for years and frustrated the claims of legitimate secured creditors.