



## A Tribute to Hon. Cynthia C. Jackson



By: **Jeanne Kraft Herdeker and  
Kristyn Barber Leedekerken**

The Middle District of Florida was very sad to lose another Court family member on April 21, 2023, when the Honorable Cynthia Carson Jackson passed away.

Judge Jackson grew up in Jacksonville and attended Tulane University, the London School of Economics, and Florida State University. Upon graduating from the University of Florida College of Law, Judge Jackson served as a city attorney for the City of Jacksonville, before joining Smith Hulsey & Busey where she practiced for 29 years. During her tenure at Smith Hulsey & Busey, she served as Debtor's counsel on high-prolife cases such as the Winn Dixie and Sawgrass by Marriott reorganizations. As an attorney, she was known to *always* be prepared and was highly respected for not only her litigation skills but also her insightfulness and willingness to be reasonable.

On March 5, 2013, the United States Court of Appeals for the Eleventh Circuit appointed Judge Jackson to serve as a United States Bankruptcy Judge. She presided in the Orlando Division until transferring to the Jacksonville Division at the beginning of 2020. In August 2021, Judge Jackson retired due to health reasons. Above all else, Judge Jackson valued her family and the time they spent together, which included a dream family vacation to England in December of 2019. She is survived by her husband, Dale; their children, Trace, Lillian, and Courtney; and many other relatives, friends, and colleagues.

We were honored to serve as Judge Jackson's law clerks – Jeanne in the Orlando Division and Kristyn in the Jacksonville Division. Following are some interesting cases and reflections on her judicial career.

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When Judge Jackson was presiding in the Orlando Division, she issued an opinion in *In re Uche* (555 B.R. 57 (Bankr. M.D. Fla 2016)) wherein the Court denied the creditor's Motion to Dismiss Chapter 7 Case for Cause Pursuant to 11 U.S.C. § 707(a), finding that the debtor did not file his Chapter 7 case in bad faith. The Court rejected the multifactor test for determining bad faith and found that the creditor's pursuit of a deficiency judgment against the debtor immediately before the bankruptcy filing was not determinative of bad faith. And *In re Creech* was an oral ruling that was affirmed by the Eleventh Circuit (782 F. App'x 933 (11th Cir. 2019)). These cases were also featured in Rochelle's Daily Wire (ABI).

*In re Cole*, 2019 WL 1528105 (Bankr. M.D. Fla. Apr. 3, 2019), dealt with homestead exemption, gerrymandering, and submerged land. And *In re Carter*, 593 B.R. 354 (Bankr. M.D. Fla. 2018), involved discharging a debt to the rock band "They Might Be Giants." Finally, *In re Eddy*, 572 B.R. 774 (Bankr. M.D. Fla. 2017), involved equitable subordination of a claim.

Although these cases were "run of the mill," they do show how much time and effort Judge Jackson put into her decision making – even though the case might not have been complex or large.

Shortly before the beginning of the pandemic, Judge Jackson relocated from the Orlando Division to the Jacksonville Division, and during that time she handled the following interesting cases.

*In re VCHP Neptune Beach, LLC, et. al.* (Cases: 20-bk-740; 20-bk-741; and 20-bk-1239) was a highly contested hotel case with most of the litigation occurring during the early months of the pandemic. Notably, a full-day trial was conducted on Friday, March 13, 2020, otherwise known as "the day the world shut down" because of the global pandemic. Amid this unprecedented time, which included mandated "stay at home orders," Judge Jackson kept the case moving forward with a calm and positive attitude.

*In re NRP Holdings, LLC* (Case No. 19-bk-4607) dealt with the issue of whether debtors in bankruptcy were eligible to participate in the Paycheck Protection Program ("PPP"). The Debtor was a regional family entertainment business whose parks were forced to shut down during the pandemic. Due to being in Chapter 11, NRP's attempts to participate in the PPP were unsuccessful, which led NRP to seek a temporary injunction against the Small Business Administration (the "SBA"). In granting the temporary injunction, Judge Jackson recognized that the PPP loan was likely the Debtors only lifeline to save its business and almost 500 jobs.

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Prior to issuing her ruling, Judge Jackson stayed up to date on all aspects of the issue. New cases were coming out weekly, there were discussion groups amongst judges, as well as hope that the legislation may be clarified. A lot occurred during a relatively short time period. Although the world to a large extent had “shut down,” Judge Jackson continued to work at full speed ahead. We will always have a great deal of respect for Judge Jackson’s ruling on this issue. When Kristyn visited her prior to her passing, she told Judge Jackson that Adventure Landing, which has been in business for over 28 years in Jacksonville, was still operating and that her decision was imperative to the business’s survival. It was apparent that it meant a lot to her to know how her legacy as a judge positively impacted the community.

Although Judge Jackson’s background was in complex Chapter 11’s, she also took great time, care, and attention to detail on administering her consumer cases. It was of great importance to Judge Jackson to consider the long-term implications of matters that while may be “routine” to the Court, were of significance to individual debtors as they emerged from bankruptcy. What radiated the most from Judge Jackson was her empathy, care, and concern for those less fortunate. It was in her nature to think of others before herself, and she will be *greatly* missed.