

October 2016 – December 2017

Supreme Court

***Midland Funding, LLC v. Johnson,*
No. 16-348**

Type: Amicus
Date: Dec 21, 2016
Description: Whether filing a proof of claim on a stale debt violates the FDCPA.
Result: Debtor lost

***Smith v. I.R.S.,* No 16-497**

Type: Amicus on cert.
Date: Nov. 14, 2016
Description: Cert. seeking review of McCoy/IRS SFR case.
Result: Cert. denied

Circuit Courts of Appeals

***Goudelock v. Sixty-01 Association,* No. 16-35384**

Type: Amicus
Date: October 21, 2016
Description: Dischargeability of post-petition HOA fees in chapter 13.
Result: Pending

***Slater v. U.S. Steel Corp.,* No. 12-15548
(11th Cir. En banc)**

Type: Amicus
Date: October 24, 2016
Description: Application of judicial estoppel for failure to list claim on schedule.
Result: Debtor won

***Peake v. Ayobami,* No. 16-20589 (5th Cir.)**

Type: Amicus
Date: December 20, 2016
Description: Whether post-petition appreciation goes to debtor up to statutory cap.
Result: Debtor won

***Brown v. Ellman,* No. 16-1967 (6th Cir.)**

Type: Amicus
Date: January 7, 2017
Description: Whether Chapter 7 trustee could sell debtor's residence in a carve out transaction and whether debtor could amend her homestead exemption.
Result: Debtor lost

***Jahn v. Burke,* No. 16-6603 (6th Cir.)**

Type: Amicus
Date: February 14, 2017
Description: Whether the bankruptcy court erred in granting debtor's motion to compel the trustee's abandonment of the debtor's homestead.
Result: Debtor Won

***Reikki v. Bayview Fin.,* No 16-16438, (9th Cir.)**

Type: Amicus
Date: March 6, 2017
Description: Whether creditor violated the FCRA by reporting debtor's debt as delinquent post-discharge.
Result: Dismissed as settled

Anderson v. Credit One Bank, N.A., No. 16-2496 (2d Cir.)

Type: Amicus on Behalf of Robert Lawless, Bruce Markell and Ralph Brubaker
Date: February 27, 2017
Description: Whether bankruptcy court erred in refusing to compel arbitration in class action to recover for defendant credit card issuer's alleged violation of discharge injunction in continuing to report, as charged off, credit card debt that had been discharged in bankruptcy
Result: Debtor Won

In re Haber, No 17-3323 (6th Cir.)

Type: Amicus
Date: July 7, 2017
Description: Effect of chapter 7 trustee's abandonment of case
Result: Debtor Won

Gorman v. Cantu, No. 17-1034 (4th Cir.)

Type: Pro bono counsel
Date: May 9, 2017
Description: Proper interpretation of 541(b)(7)
Result: Debtor Won

Hunsaker v. IRS, No. 16-35991 (9th Cir.)

Type: Amicus and pro bono counsel
Date: May 23, 2017
Description: Whether sovereign immunity prevents emotional distress awards against the IRS.
Result: Pending

Vitalich v. Bank of New York Mellon, No. 16-16584 (9th Cir.)

Type: Amicus
Date: August 25, 2017
Description: Whether automatic stay terminates in its entirety after 30 days under 362(c)(3)(A).
Result: Pending

Isaacs v. DBI-ASG Coinvestor Fund, III, No. 17-5815 (6th Cir.)

Type: Amicus
Date: Sept. 28, 2017
Description: Whether the Rooker-Feldman doctrine precluded the bankruptcy court's voiding of a state court judgment that improperly interpreted the discharge injunction.
Result: Pending

Brace v. Speier, No. 17-60032 (9th Cir.)

Type: Amicus
Date: October 5, 2017
Description: Whether California's community property presumption rather than record title presumption applies when property owned by debtor and non-debtor spouse was part of the bankruptcy estate.
Result: Pending

Nebel v. Warfield, No. 17-16350 (9th Cir.)

Type: Amicus and Pro bono counsel
Date: November 16, 2017
Description: Value of nontransferable property for purposes of trustee turnover motion.
Result: Pending

Wilson v. Rigby, No. 17-35716 (9th Cir.)

Type: Amicus
Date: December 12, 2017
Description: Whether the debtor has a right to an exemption of more than the equity on the day of filing when there is room to capture increased value in the exception.
Result: Pending

Bankruptcy Appellate Panel

***Jubber v. Bird*, No. 16-39 (BAP 10th Cir.)**

Type: Amicus

Date: April 4, 2017

Description: Denial of chapter 7 trustee compensation for attempting to sell overencumbered homestead.

Result: Denial of trustee compensation affirmed.

***Ryan v. CIT Bank*, No. 16-1391 (BAP 9th Cir.)**

Type: Amicus

Date: February 16, 2017

Description: Whether debtor who surrendered house in bankruptcy may oppose state court foreclosure action post-discharge.

Result: Dismissed as moot.

***In re Olsen*, No. 16-58 (BAP 1st Cir.)**

Type: Individual

Date: Feb. 10, 2017

Description: Whether the debtor's student loan was dischargeable under 523(a)(8).

Result: Debtor lost

District Court

***Murray v. ECMC*, No. 16-2838 (D. Kan.)**

Type: Amicus

Date: April 27, 2017

Description: Whether the availability of income based repayment plans should effect the determination of under hardship under section 523(a)(8)

Result: Debtor won

***Wilson v. Rigby*, No. 16-1684 (W.D. Wash)**

Type: Amicus

Date: February 3, 2017

Description: Whether debtor has right to an exemption of more than the equity on the day of filing when there is room to capture increased value in the exemption.

Result: Debtor lost