

BANKRUPTCY ^{UP}DATE

May 9, 2022

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New Assistant United States Trustee Appointed

Former Trial Attorney Ashley Wieck is now the Assistant United States Trustee for the District of South Dakota and the Southern District of Iowa. Ms. Wieck has replaced Jim Snyder, who retired from government service. In addition to her other duties, Ms. Wieck handles all legal matters on behalf of the Acting United States Trustee in South Dakota. Ms. Wieck's telephone number is (515) 323-2269 and her e-mail address is Ashley.Wieck@usdoj.gov.

CLN Decision

You can use the link in the "Links" section below to view the following decision:

Reliabank Dakota v. Javers (In re Javers)

Issue: Were any parties entitled to summary judgment concerning whether the indebtedness owed to a creditor was excepted from discharge under 11 U.S.C. § 523(a)(6) or whether the debtors should be denied a general discharge of debts pursuant to 11 U.S.C. § 727(a)(2)(A) or (a)(3)?

Ruling: The creditor was denied any relief against one of the debtors because none of the allegations in its complaint specifically identified any actions taken by that debtor relating to the sale of the race car, the disposition of the sale proceeds, or the couple's record keeping. The creditor was denied relief against the second debtor under 11 U.S.C. § 523(a)(6) because it failed to identify any evidence establishing that debtor's conduct was either "willful" or "malicious." However, the creditor was permitted to proceed against the second debtor since there were issues for trial under 11 U.S.C. § 727(a)(2)(A) and because the record was not sufficiently developed on the two elements of 11 U.S.C. § 727(a)(3).

Links

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Previous Bankruptcy ^{UP}dates

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.