

August 19, 2008 www.orb.uscourts.gov

Recent Opinions

Full text of opinions is available on the Bankruptcy Court's website; click on Opinions on left-side index, then search by date.

Stoiber v. Galpern, Adv. No. 08-6052-fra

June 18, 2008

Violation of automatic stay, civil contempt sanctions, Federal Debt Collection Practices Act (FDCPA), court's jurisdiction

Following divorce, debtor filed chapter 7 bankruptcy case but failed to list ex-wife as creditor and did not provide notice of bankruptcy to ex-wife or her lawyer (defendant). Ex-wife moved in state court to have debtor held in contempt for failure to pay attorney fees awarded against him there. Debtor, who had received a discharge, reopened his bankruptcy case and filed this adversary proceeding seeking sanctions for violation of automatic stay and damages under the FDCPA. Both claims failed. No sanctions for violation of the stay because the debtor had not given notice, and no recovery under the FDCPA because the Bankruptcy Code provides the exclusive remedy for violation of the stay.

PREVIOUSLY PUBLISHED ITEMS:

The following is a summary of items added in the past several weeks.

Annual Meeting Reminder

The Annual Meeting of the Debtor-Creditor Section of the Oregon State Bar will be held this year at Salishan Resort on September 19 and 20. The CLE program will feature local experts and national authorities on workouts, restructurings, Oregon and Washington foreclosures and construction liens. The room rate of \$159 per night (plus fees and taxes) is more likely to be available if you register **before August 19. That's today!**

Amended Local Bankruptcy Rules

Amended LBRs are in effect as of August 8, 2008, for all matters (including adversary proceedings) in bankruptcy cases pending on that date. They supersede all prior LBRs and general orders of the court. The file containing the new LBRs is available on the website.

Updated Local Bankruptcy Forms

Many LBFs have been modified and their use is now required. Obsolete forms have been deleted. Click on "Local Forms Updates" on main page for details.

Court Fees List

The court fees list was updated on August 1, raising the mileage fee to \$.585 per mile.

Local Bankruptcy Form #125

This form covering ECF administrative procedures was updated on July 4, 2008, for

immediate use.

ECF Training

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training dates (posted on the website) for **Portland** are: September 10 and October 16. The dates for **Eugene** are: August 28, September 17, and October 23.

Debtor-Creditor Section Website

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.