

September 23, 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.

Miller v. McDougal Bros. Investments, Adv. Pro. No. 08-6110-fra

September 15, 2008

FRCP 12(b)(6), FRBP 7012(b)

The court granted defendants' motion to dismiss the complaint, which sought damages arising from defendants' reopening of plaintiff's bankruptcy case as well as actions defendants took in a state court case plaintiff had brought against them. The court held the complaint failed to state claims of fraud, misrepresentation, malicious prosecution, abuse of process and violation of a bankruptcy court order.

In re Berendt, Case No. 07-35054-elp13

September 22, 2008

11 USC §§1329, 1325, 1323; FRBP 3007,

Debtors sought to modify their confirmed chapter 13 plan to terminate payments on a claim secured by surrendered collateral. Creditor objected. The court ruled in debtors' favor, holding that a confirmed chapter 13 plan can be modified to reflect surrender of collateral and its sale for less than the amount of the debt.

PREVIOUSLY PUBLISHED ITEMS:

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

Notice of Fraudulent Scheme

On August 14 the Administrative Office of the United States Courts sent out notice of a fraudulent scheme. It involves 20 telephone calls to individuals telling them they must pay money or be arrested. Click on the Notice at top of main page for details.

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.

ECF Training

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm.

The currently scheduled training date (posted on the website) for **Portland** is October 16. The date for **Eugene** is 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>.