

October 27, 2009 [www.orb.uscourts.gov](http://www.orb.uscourts.gov)

### **Recent Opinions**

*Waag v. Permann*, Adv. No. 08-3172, BAP No. 08-1339

October 14, 2009

11 USC §1328(a)(4), chapter 13 dischargeability, restitution, willful or malicious injury

In an opinion for publication, the BAP affirmed the bankruptcy court's conclusion that §1328(a)(4) (exception to discharge for debts awarded in a civil action against debtor for willful or malicious injury) does not require that a judgment against debtor have been entered prepetition.. The bankruptcy court had denied the debtor's motion to dismiss an adversary proceeding for exception to discharge.

Click on [Opinions](#) (the last item in the column headed **Information for Attorneys**), for two search options. Clicking on [To view a list of all current opinions](#) takes you to a list of opinions organized by date, most recent to oldest. Entering a search term in the box on the [Opinions](#) page produces a list of results. Search logic for opinion searches appears on the [Opinions](#) page.

### **NEW ITEMS:**

#### **Notices to Oregon Employment Department**

The Oregon Employment Department asks that you use the correct address for notices and payments. The correct addresses can be found on the Debtor-Creditor Section website at <http://osb-dc.org/index.htm>.

#### **ECF Tips and Tricks**

The following ECF Tips and Tricks were updated October 15 and 16:

10. Events - Finding Correct Event (Menu Item) to File a Document in ECF
11. Fees - Document Filed in Error
21. Forms - Ensuring You Use the Current Version of a Required LBF
31. PDF - Combining PDF's into One Document
33. PDF - ECF Error Message "Document contains code . . . can't be accepted"
34. PDF - File is Too Large to Upload or Upload is Very Slow
35. PDF - Print versus Publish

#### **Award of Merit**

Congratulations to Dick Slottee , who received the Section's William N. Stiles Award of Merit at the Section's Annual Meeting/CLE. The Award of Merit plaque now hangs on the wall outside Courtroom #3 on the 8th floor at the Bankruptcy Court in Portland.

#### **PREVIOUSLY PUBLISHED ITEMS:**

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

#### **Mortgage Modification Forms**

New LBF #751.7 and revised LBF #1350.05 are posted on the website, per General Order 09-3. They can be found by clicking on **Rules & Forms** at the top of the home page, then Local Bankruptcy Forms.

#### **ECF Training**

Currently scheduled training dates for **Eugene and Portland** are November 18 and December 10. Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. **The Clerk's office will add ECF classes if there is sufficient demand.**

#### **General Order 09-3**

Judge Perris signed GO 09-3 on August 17, effective August 31, 2009. It amends LBR 6007-1 and adds text to LBR 4008 as 4008-2. It relates to abandonment of real property and modification of debt secured by debtor's residence.

#### **Message from Clerks Office**

Please **do not modify** the fixed text in a local bankruptcy form (LBRs 1001.1.F. and G.)! If adequate room does not exist in any area, attachment pages may be added to the end of the form for inclusion of essential text.

**Debtor-Creditor Section Website**

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