

Cincinnati Bar Association  
Bankruptcy Committee Minutes  
March 15, 2016

Frank DiCesare, called the meeting to order.

1. Business Meeting: No announcements

2. Subcommittee Reports: Case briefs attached

A. Judge Buchanan by Mike Debbeler:

No cases

B. Judge Hopkins by Brian Flick:

No cases

C. Judge Perlman by M. Elizabeth Hills:

In re Addison, Case No. 15-11886  
(March 3, 2016) On hearing of a  
cram down of mortgage, what items  
certified to the Treasurer's tax bill  
can be counted against available  
equity securing the mortgage  
creditor?

D. Bankruptcy Appellate Panel by Rick Jones;

In re Jones, 2016 WL 825906, 2016 Bankr. LEXIS 654, - B.R. –  
(B.A.P. 6<sup>th</sup> Cir. March 3, 2016) – Bankruptcy Judge erred in awarding,  
sua sponte, fees against litigant under Fed.R.Bankr.P. 9011

E. Sixth Circuit by Paul J. Minnillo;

In re Village Green I, GP, 811 F. 3d 816 (6<sup>th</sup> Cir. 2016) Plan proposed  
in bad faith when claim created in favor of debtor's attorney and  
accountant to manufacture an "impaired class."

Weary v. Poteat, 627 Fed.App. 475 (6<sup>th</sup> Cir. 2015) Defense to stay  
violation unavailable to landlord sending demands to debtor's mother  
and bankruptcy attorney.

F. Legislative Watch:

No report

G. Judicial Liaison Committee:

No recent meeting

- H. Clerk's Office ;  
No report
- I. Office of the U.S. Trustee;  
No report
- J. Chapter 13 Trustee;  
April 19 CBA Meeting will be hosted at the CBA center by the Chapter 13 Trustee. Trustee is providing lunch.
- K. CARE  
No report

3. New Business

Guest speaker was Wayne Novick, who spoke on separately classifying student loans in Chapter 13, especially in the context of preserving an income based repayment scheme leading to early forgiveness of the loans. Mr. Novick provided a template of an Agreed Order which has been used in Dayton, and discussed with the Trustee in Cincinnati (though not yet utilized in Cincinnati).

Next meeting is April 19, 2016 at 12:00 pm.

Respectfully submitted,  
/s/ Frank DiCesare  
Chair of the Committee