

Cincinnati Bar Association
Bankruptcy Committee Minutes
July 19, 2016

Frank DiCesare, called the meeting to order.

1. Business Meeting: No new business

2. Subcommittee Reports: Case briefs attached
 - A. Judge Buchanan by Mike Debbeler:
No report

 - B. Judge Hopkins by Brian Flick:
In re Inner City Properties, LLC, Case No. 13-11552 (Bankr. S.D. Ohio March 25, 2016) – burden of proof on insiders filing proofs of claim.

 - C. Judge Perlman by M. Elizabeth Hills;
No Report

 - D. Bankruptcy Appellate Panel by Rick Jones;
No Report

 - E. Sixth Circuit by Paul J. Minnillo;
No Report

 - F. Legislative Watch;
No Report

 - G. Judicial Liaison Committee;
No Report- next meeting in Sept.

- H. Clerk's Office :
Carolyn Buffington and Lynnetta Suggs Rollinson announced Ms. Buffington's appointment as Chief Deputy Clerk for the S.D. Ohio

Ms. Buffington also discussed Beiter v. Chase Home Finance, LLC, et al (In re Beiter) Case No. 15-ap-02195 (Bankr. S.D. Ohio July 15, 2016)(Preston, J.) – district-wide class-actions will be permitted, when-

- I. Office of the U.S. Trustee;
No Report

- J. Chapter 13 Trustee;
No Report

- K. CARE
No Report

New Business

L. Joshua Davidson and Brian Flick discussed the Ohio Supreme Court Case, Taylor v. First Resolution Investment Corporation, et al, 2016 Ohio 3444. This is a lengthy opinion, but a summary was provided (attached). The Ohio Supreme Court has held that filing actions for collection after the running of statutes of limitations have run, and praying for recovery unsubstantiated by the contract are violations of the Fair Debt Collection Practices Act, and the Ohio Consumer Sale Practices Act. This holding was imposed on counsel pursuing collection, notwithstanding counsel's claim that he was not providing goods or services to the parties against whom he was proceeding for his client. This holding leaves judgments subject to attack under Ohio R.Civ.P. 60(b), and as to bankruptcy cases, gives rise to challenges to claims premised on such state court collection judgments.

MRBS IS AUGUST 18 & 19, 2016

Next meeting is Sept. 20, 2016 at 12:00 pm.

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