

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re : **Chapter 7**

MICHAEL KAPLAN and NINA KAPLAN :

Debtors : **Case No. 17-15868 (JKF)**

T. LEVY ASSOCIATES, INC. :

Plaintiff :

v. :

MICHAEL KAPLAN and NINA KAPLAN :

Defendants : **Adversary No. 17-00363**

ORDER

AND NOW, this 4th day of October, 2019, the Plaintiff having filed a Motion for Summary Judgment, the Defendants having filed a Response in Opposition thereto, after consideration of the briefs and evidence, and for the reasons set forth in the preceding Opinion, it is hereby

ORDERED, that the Motion is DENIED in part and GRANTED in part. The Defendants are precluded from relitigating the following elements from the following counts:

Count I (actual fraud under 11 U.S.C. § 523(a)(2)(A)):

the act and intent requirements of that cause of action were established in the District Court action.

Count III (willful and malicious injury under 11 U.S.C. § 523(a)(6)):

the willfulness and malice requirements of that cause of action were likewise established in the District Court action.

A briefing schedule will follow.

BY THE COURT



Jean K. FitzSimon
United States Bankruptcy Judge

Copies to:

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