

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE	:	Chapter 7
	:	
ADENEKAN OLA-OLUWA	:	
ADESANYA & AFOLUSO	:	
ADERONKE ADESANYA,	:	
	:	Bankruptcy No. 18-17260-AMC
DEBTORS	:	
	:	
NOVARTIS PHARMACEUTICALS	:	
CORP.,	:	
	:	
PLAINTIFF	:	
	:	Adv. Proc. No. 19-00124-AMC
V.	:	
	:	
ADENEKAN OLA-OLUWA	:	
ADESANYA & AFOLUSO	:	
ADERONKE ADESANYA,	:	
	:	
DEFENDANTS	:	

ORDER¹

On this 24th day of March, 2020, upon consideration of the motion for summary judgment filed by Novartis Pharmaceuticals Corp. (“Plaintiff”) (“Plaintiff’s Motion”), the response to the Plaintiff’s Motion filed by Afoluso Adesanya (“Afoluso”) and Adenekan Adesanya (“Adenekan,” collectively with Afoluso, “Defendants”), the cross motion for summary judgment filed by the Defendants (“Defendants’ Motion”), the response to the Defendants’ Motion filed by Plaintiff, and the sur-reply filed by the Defendants, for the reasons stated in the accompanying Opinion, it is hereby ORDERED:

1. the Plaintiff's Motion and Defendants' Motion are granted in part and denied in part.

¹ All terms not otherwise defined in this order have the same meaning as defined in the accompanying Opinion.

- a. The Plaintiff's Motion is granted in Plaintiff's favor with respect to the following factors under § 523(a)(2)(A) for the portion of the Judgment attributable to Count III: (1) Afoluso made a false representation in connection with the Relocation Agreement and (2) Plaintiff suffered a loss as a result of the representation being made. The Plaintiff's Motion and Defendants' Motion are denied with respect to (1) whether Afoluso made the representation knowing that it was false; (2) whether Afoluso made the representation with the intent and purpose of deceiving the Plaintiff; and (3) whether the Plaintiff's reliance on the representation was justifiable. Therefore, these issues will be considered at trial.
- b. The Plaintiff's Motion is granted in Plaintiff's favor with respect to the following factors under § 523(a)(2)(A) for the portion of the Judgment attributable to Count IV: (1) Afoluso made omissions/implied misrepresentations regarding her conflicts of interest and compliance with Plaintiff's employment policies; (2) the omissions/implied misrepresentations created a misleading understanding that she was eligible for certain bonuses when she was not; and (3) Plaintiff suffered a loss as a result of the omissions/implied misrepresentations. The Plaintiff's Motion and Defendants' Motion are denied with respect to (1) whether Afoluso knowingly created a misleading impression by her omissions/implied misrepresentations and (2) whether she willingly/purposely made omissions/implied misrepresentations intending to deceive the Plaintiff. Therefore, these issues will be considered at trial.
- c. The Plaintiff's Motion is granted in Plaintiff's favor with respect to the following factors under § 523(a)(2)(A) for the portion of the Judgment attributable to Count

VIII: (1) Afoluso made omissions regarding her external employment with other companies; (2) the omissions created a misleading understanding that she was working full-time for the Plaintiff when she was not; and (3) Plaintiff suffered a loss as a result of the omissions. Plaintiff's Motion and Defendants' Motion are denied with respect to (1) whether Afoluso knowingly created a misleading impression by her omissions and (2) whether she willingly/purposely made omissions intending to deceive the Plaintiff. Therefore, these issues will be considered at trial.

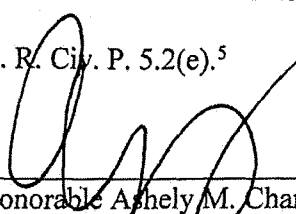
- d. The Defendants' Motion is granted in Defendants' favor with respect to the portion of the Judgment attributable to Count I on the basis that § 523(a)(2)(A) as a matter of law would not render that portion of the Judgment nondischargeable.²
- e. The Defendants' Motion is granted in Defendants' favor with respect to the portion of the Judgment attributable to sanctions against Adenekan on the basis that § 523(a)(2)(A) as a matter of law would not render that portion of the Judgment nondischargeable.³
- f. The Plaintiff's Motion and Defendants' Motion are denied with respect to the portion of the Judgment attributable to sanctions against Afoluso pending a determination on the dischargeability of all portions of the Judgment attributable to the Counterclaims.⁴

² As discussed in the Opinion, Plaintiff retains the ability to attempt to amend the Adversary Complaint in accordance with Fed. R. Civ. P. 15(a)(2).

³ As discussed in the Opinion, Plaintiff retains the ability to attempt to amend the Adversary Complaint in accordance with Fed. R. Civ. P. 15(a)(2).

⁴ As discussed in the Opinion, Plaintiff retains the ability to attempt to amend the Adversary Complaint in accordance with Fed. R. Civ. P. 15(a)(2).

2. The Defendants' request, incorporated into the Defendants' response/Motion, to redact "certain identifiers" in exhibits attached to the Defendants' response/Motion pursuant to Fed. R. Civ. P. 5.2(e) is denied without prejudice on the basis that, to the extent Fed. R. Civ. P. 5.2(e) is even applicable in bankruptcy proceedings, Defendants have not identified what information they seek to redact and have thus not demonstrated "good cause" for redaction as required by Fed. R. Civ. P. 5.2(e).⁵



Honorable Ashely M. Chan
United States Bankruptcy Judge

⁵ For the reasons stated in open court, the Court does not intend to address the other miscellaneous requests incorporated into the Defendants' response, Motion, and Sur-reply, including a request to avoid the Plaintiff's judicial lien, a request for leave to file proposed counterclaims, and a request for leave to take additional discovery related to the proposed counterclaims until properly noticed and/or filed in the proper case.