

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CARLTON PRATT AND CHRISTIE)	
PRATT,)	
)	
Plaintiff)	
)	
v.)	Civil No. 05-119-P-C
)	Chapter 7 Case No. 98-20291
GENERAL MOTORS ACCEPTANCE)	Adv. Proc. No. 04-2007
CORP.)	
)	
Defendant)	

**MEMORANDUM OF DECISION AFFIRMING THE
DECISION OF THE BANKRUPTCY COURT**

Before the Court for resolution is Plaintiffs' Appeal from the Bankruptcy Court's Memorandum of Decision, entered on April 15, 2005, denying relief on the Plaintiffs' request for an award of sanctions against the Defendant for alleged violations of the Bankruptcy Court's discharge injunction entered in the subject case. See Bankruptcy Court Docket Item No. 20. The Court has fully reviewed the record made in the Bankruptcy Court on the issues generated by the appeal and has considered fully the written submissions of the parties in this Court on the appeal. The pertinent facts driving the proper resolution of the issue generated thereby are stated in the record, the briefs of the parties in this Court, and the Bankruptcy Court's Memorandum of Decision. After careful review of all of these sources of information and argument, the Court hereby **AFFIRMS** the Decision of the Bankruptcy Court for the reasons ably set forth in Judge Haines' Memorandum of Decision. His discussion of the issues and analysis of them is direct, focused, reasonably succinct, consistent with the properly applicable law, and clearly correct. This Court can say nothing to improve upon the force and logic of his

Decision.¹ Accordingly, it is **ORDERED** that this Appeal be, and it is hereby, **DENIED** and that the Decision of the Bankruptcy Court be **AFFIRMED**.

/s/Gene Carter

GENE CARTER
Senior U.S. District Court Judge

Dated at Portland, Maine this 15th day of August, 2005.

¹ As Judge Haines noted, See Memorandum of Decision at 7, there is no need to resolve the somewhat intricate issue of what is the proper burden of proof to be borne by the Plaintiffs as a result of the interplay in this action of §§ 524(a) and 105(a), which are the predicate for Plaintiffs' claims for relief. This is so because, as Judge Haines found, the record clearly demonstrates that Defendant "did not violate the injunction *as a matter of law*" (emphasis in original). Id. This Court intimates no view as to the proper resolution of this issue.

Appellant

CARLTON PRATT
Debtor

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Appellant

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Debtor

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V.

Appellee

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ACCEPTANCE CORP**

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