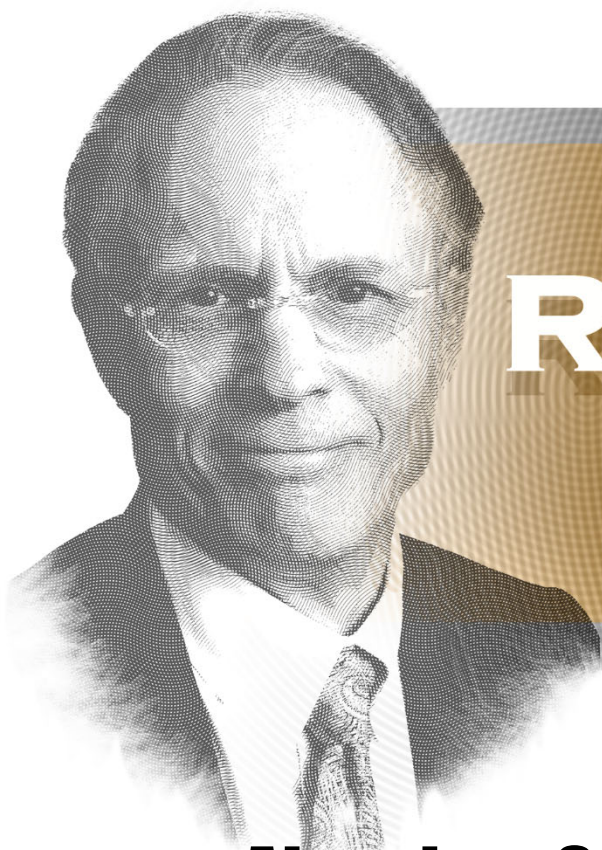




# ROCHELLE'S DAILY WIRE

## **Abundant Splits and Other Significant Bankruptcy Decisions**

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### **39<sup>th</sup> Annual Jay L. Westbrook Bankruptcy Conference**

**Austin, Texas**

**Nov. 5, 2020, 8:10 A.M.**

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# ROCHELLE'S DAILY WIRE

## Table of Contents

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|                                                                                                 |            |
|-------------------------------------------------------------------------------------------------|------------|
| <b>Supreme Court</b>                                                                            | <b>4</b>   |
| <b>Decided Last Term</b>                                                                        | <b>5</b>   |
| Supreme Court Rules that 'Unreservedly' Denying a Lift-Stay Motion Is Appealable                | 6          |
| Supreme Court Uses a Bankruptcy Case to Limit the Use of Federal Common Law                     | 9          |
| Supreme Court Bans <i>Nunc Pro Tunc</i> Orders                                                  | 12         |
| Supreme Court Finds No Appointment Clause Violation in Puerto Rico's Oversight Board            | 15         |
| Supreme Court Might Allow FDCPA Suits More than a Year After Occurrence                         | 20         |
| Supreme Court Explains Sovereign Immunity in Bankruptcy Cases                                   | 23         |
| <b>Case To Be Argued in the October Term</b>                                                    | <b>27</b>  |
| Supreme Court Grants 'Cert' to Decide Whether Inaction Violates the Automatic Stay              | 28         |
| Seventh Circuit Solidifies a Circuit Split on the Automatic Stay                                | 31         |
| Circuit Split Widens on the Automatic Stay and Turnover of Repossessed Cars                     | 35         |
| <b>'Cert' Denied</b>                                                                            | <b>38</b>  |
| Supreme Court Allows the <i>Madoff</i> Trustee to Sue Foreign Subsequent Transferees            | 39         |
| The Automatic Termination of the Automatic Stay: Not Ready for Prime Time                       | 41         |
| <b>RBG</b>                                                                                      | <b>44</b>  |
| Homage to RBG: The Advocate for Consumers and Debtors                                           | 45         |
| <b>Reorganization</b>                                                                           | <b>48</b>  |
| <b>Fraudulent Transfers</b>                                                                     | <b>49</b>  |
| Second Circuit Again Applies the 'Safe Harbor' to Protect Selling Shareholders in an LBO        | 50         |
| Second Circuit Holds that Flip Clauses in Swaps Are Enforceable                                 | 54         |
| Second Circuit Upholds the Madoff Trustee's Calculation of Fraudulent Transfer Claims           | 58         |
| New York Decision Shows that <i>Merit Management</i> Is a Dead Letter                           | 62         |
| Tenth Circuit Protects Subsequent Recipients of Fraudulent Transfer with a New Defense          | 66         |
| Routine Withdrawals from a Bank Account Aren't 'Transfers,' Eleventh Circuit Says               | 71         |
| Fraudulent Transfer Damages Limited to Creditors' Total Claims                                  | 74         |
| <b>Executory Contracts &amp; Leases</b>                                                         | <b>76</b>  |
| Executory Contract Was Deemed Rejected Even Though Not Scheduled as Executory                   | 77         |
| Surety Bonds Aren't Executory Contracts and Can't Be Assumed Even if They Are                   | 79         |
| Split Ninth Circuit Permits Extending a Statutory Deadline After It Expires                     | 82         |
| Sixth Circuit Gives Primacy to the Bankruptcy Court in Rejecting Power Contracts                | 85         |
| <b>Jurisdiction &amp; Power</b>                                                                 | <b>90</b>  |
| Creditors Have Standing but Not Authority to Pursue Estate Claims, Third Circuit Says           | 91         |
| Stay Violation Order Is Final Even Before Attorneys' Fees Are Awarded, Circuit Says             | 94         |
| <b>Plans &amp; Confirmation</b>                                                                 | <b>97</b>  |
| Cramdown Doesn't Require Strict Enforcement of Subordination, Third Circuit Says                | 98         |
| No 'Core' Jurisdiction to Protect Nondebtors with Injunctions, N.Y. District Judge Says         | 102        |
| Tenth Circuit Applies Equitable Mootness to Appeals from Liquidating Chapter 11 Plans           | 106        |
| Fifth Circuit Revokes a Controversial Opinion with <i>Dicta</i> on the Solvent-Debtor Exception | 108        |
| <b>Stays &amp; Injunctions</b>                                                                  | <b>112</b> |
| Divided Fifth Circuit Again Permits Third-Party Injunctions in Stanford Receivership            | 113        |
| Third Circuit Finds Constitutional Power to Grant Releases in Confirmation Orders               | 117        |



# ROCHELLE'S DAILY WIRE

|                                                                                                      |            |
|------------------------------------------------------------------------------------------------------|------------|
| Ninth Circuit Now Permits Nonconsensual, Third-Party Releases in Chapter 11 Plans .....              | 122        |
| Opting Out Won't Justify Imposing Third-Party Releases, Delaware Judge Says .....                    | 125        |
| Ninth Circuit Reiterates Its Idiosyncratic Recoupment Standard .....                                 | 128        |
| Statutory Basis Explained for Deferring Rent in Response to the Coronavirus .....                    | 130        |
| Lower Courts Now Disagree on Modifying the Stay Retroactively After <i>Acevedo</i> .....             | 132        |
| May a Bankruptcy Court Annul the Automatic Stay after <i>Acevedo</i> ? .....                         | 135        |
| <b>Compensation .....</b>                                                                            | <b>138</b> |
| Delaware Judge Upholds U.S. Trustee Fee Increase in Pending Cases .....                              | 139        |
| <b>Preferences &amp; Claims .....</b>                                                                | <b>141</b> |
| Tenth Circuit Panel Splits on a Triangular Preference .....                                          | 142        |
| First Circuit Explains How to Avoid Liability for an Underfunded Pension Plan .....                  | 146        |
| <b>Small Biz. Reorg. Act .....</b>                                                                   | <b>148</b> |
| Subchapter V Trustee Barred from Routine Retention of Counsel .....                                  | 149        |
| Increasingly Popular SBRA Permits Restructuring Personal Guarantees of Corporate Debt ...            | 151        |
| First Opinion on the SBRA Permits Conversion of an Existing Chapter 11 Case .....                    | 153        |
| Stripping Down a Mortgage on a Mixed-Use Property Under the SBRA .....                               | 156        |
| Currently Conducting Business Isn't Required to Qualify for the SBRA .....                           | 160        |
| Judge Kahn Finds No Constitutional Infirmities in Applying the SBRA Retroactively .....              | 162        |
| Three Judges Permit Redesignation under the SBRA, But with Qualifications .....                      | 166        |
| Another Judge Allows Switching to the SBRA When a Pending Chapter 11 Is About to Fail.               | 169        |
| Florida Judge Bars Redesignation Under the SBRA When Deadlines Have Already Lapsed..                 | 171        |
| Fifth Circuit Bars Debtors from Receiving 'PPP' Loans Under the Cares Act .....                      | 174        |
| Government Notches 4 Victories, Debtors Win Once, in Fights over PPP 'Loans' .....                   | 176        |
| Two More Judges Rule that Chapter 11 Debtors Are Eligible for PPP Loans .....                        | 178        |
| <b>Consumer Bankruptcy .....</b>                                                                     | <b>181</b> |
| <b>Discharge/Dischargeability .....</b>                                                              | <b>182</b> |
| Eleventh Circuit Reads <i>Husky</i> Narrowly, Perhaps Too Narrowly .....                             | 183        |
| Circuit Split Widens over Discharging Taxes on Late-Filed Returns .....                              | 187        |
| Courts Interpret <i>Brunner</i> Too Harshly, Bankruptcy Judge Cecelia Morris Says .....              | 191        |
| Not All Student Loans Are Nondischargeable, Tenth Circuit Holds .....                                | 194        |
| Claims Discharged in Chapter 7 Revive If the Case Is Converted to Chapter 13 .....                   | 197        |
| <b>Fraudulent Transfers/Children's Tuition .....</b>                                                 | <b>199</b> |
| First Circuit Starkly Holds that Tuition for an Adult Child Is a Fraudulent Transfer .....           | 200        |
| The Texas UFTA Has No 'Futility Defense' When a Transferee Is on Inquiry Notice .....                | 202        |
| Returning a Fraudulent Transfer Absolves the Recipient of Liability, Fifth Circuit Rules .....       | 205        |
| <b>Arbitration .....</b>                                                                             | <b>208</b> |
| Second Circuit Nixes Nationwide Class Actions for Discharge Violations .....                         | 209        |
| <b>Wages &amp; Dismissal .....</b>                                                                   | <b>212</b> |
| Detroit District Judge Includes Social Security Benefits in the Chapter 13 'Abuse' Test .....        | 213        |
| Courts Deeply Split on Social Security Benefits in the Chapter 13 'Abuse' Test .....                 | 216        |
| Claims Subject to <i>Bona Fide</i> Dispute Are Included in Deciding Eligibility for Chapter 13 ..... | 220        |
| Large Medical Bills Held Not to Be 'Consumer' Debts .....                                            | 223        |
| Another Court Approves an Arrangement for Paying Most Chapter 7 Fees After Filing .....              | 226        |
| <b>Plans &amp; Confirmation .....</b>                                                                | <b>229</b> |
| Seventh Circuit Requires Court Findings for a Plan Provision the Code Allows .....                   | 230        |
| HAVEN Act May Be Employed to Reduce Payments Under a Confirmed Chapter 13 Plan ...                   | 233        |





# ROCHELLE'S DAILY WIRE

|                                                                                             |            |
|---------------------------------------------------------------------------------------------|------------|
| Reversing the BAP, Ninth Circuit Allows Chapter 13 Plans with Estimated Durations.....      | 236        |
| District's Model Chapter 13 Plan Violates the Code by Requiring More than 60 Payments....   | 239        |
| Fifth Circuit Invalidates Local Chapter 13 Plan Regarding Tax Refunds .....                 | 241        |
| Eleventh Circuit Holds that a Chapter 13 Plan Alone Can't Assume a Lease or Contract.....   | 244        |
| Fourth Circuit Stands Alone in Limiting Chapter 13 Plan Modifications .....                 | 248        |
| Sixth Circuit Allows Chapter 13 Debtors to Continue Retirement Plan Contributions.....      | 251        |
| Fifth Circuit Bans <i>Molina</i> Provisions in Chapter 13 Plans.....                        | 255        |
| Ninth Circuit Says Assumption Under Section 365(p) Doesn't Also Require Reaffirmation...    | 258        |
| May a Chapter 13 Plan Pay a Larger Percentage Toward Student Loans?.....                    | 261        |
| <b>Compensation.....</b>                                                                    | <b>264</b> |
| No Fees for a Chapter 13 Trustee in a Case Dismissed Before Confirmation.....               | 265        |
| <b>Exemptions .....</b>                                                                     | <b>267</b> |
| To Impair an Exemption, Judicial Lien Must Attach to Property the Debtor Already Owns....   | 268        |
| Chapter 13 Debtor Keeps Postpetition Appreciation in Nonexempt Property, BAP Says .....     | 270        |
| Eighth Circuit Has No <i>Per Se</i> Rule Disallowing Exemptions for IRAs in Divorce .....   | 274        |
| Asset Exempt in Chapter 13 Retains the Exemption After Conversion, First Circuit Says ..... | 278        |
| <b>Claims.....</b>                                                                          | <b>281</b> |
| Seventh Circuit Holds that Parking Tickets and Fines Are Chapter 13 'Admin' Expenses .....  | 282        |
| <b>Automatic Stay .....</b>                                                                 | <b>285</b> |
| Fifth Circuit Creates a Circuit Split on Stay Termination for Repeat Filers.....            | 286        |
| Judge Christopher Klein Takes Sides on a Circuit Split Coming to the Supreme Court.....     | 288        |
| Seventh Circuit Limits Punitive Damages to Total Compensatory Damages of \$582,000 .....    | 292        |
| Ninth Circuit BAP Applies <i>Taggart</i> to Violations of the Automatic Stay .....          | 294        |
| Section 362(k)(1) Sanctions Apply to Automatic Stay Violation Continuing After Discharge    | 299        |
| <b>Estate Property.....</b>                                                                 | <b>303</b> |
| Bankruptcy Court Alone May Decide Whether a Claim Is Estate Property, BAP Says .....        | 304        |
| <b>Fair Debt Collection Practices Act .....</b>                                             | <b>309</b> |
| Two Circuits Hold that a Debt Buyer Can Be a 'Debt Collector' Under the FDCPA.....          | 310        |
| <b>Municipal Debt Adjustment &amp; Puerto Rico.....</b>                                     | <b>314</b> |
| First Circuit's Traditional Approach to Section 552 Cuts Off Bondholders' Liens .....       | 315        |
| Supreme Court Won't Hear a Case to Compel Paying Puerto Rico Bondholders Currently ....     | 318        |
| <b>Cross-Border Insolvency .....</b>                                                        | <b>320</b> |
| U.S. Receivership Court Had No Jurisdiction over Foreign Liquidators .....                  | 321        |



## Supreme Court



# ROCHELLE'S DAILY WIRE

## *Decided Last Term*



*Building on Bullard, the Supreme Court rules unanimously that a lift-stay motion is a “procedural unit” that’s appealable if the bankruptcy court “conclusively” denies the motion.*

## **Supreme Court Rules that ‘Unreservedly’ Denying a Lift-Stay Motion Is Appealable**

The Supreme Court ruled unanimously today in *Ritzen v. Jackson Machinery* that an order denying a motion to modify the automatic stay is a final, appealable order “when the bankruptcy court unreservedly grants or denies relief.”

In her unanimous opinion for the Court, Justice Ruth Bader Ginsburg said that a lift-stay motion is a “procedural unit” separate from the remainder of the bankruptcy case, even though the decision to retain the stay may be “potentially pertinent to other disputes.”

The decision in *Ritzen* may contain a trap for creditors: A bankruptcy court could deny a creditor the right to appeal, perhaps for an extended time, by denying a lift-stay motion without prejudice or offering to reexamine the result in light of subsequent events.

### **The Facts**

Before bankruptcy, the creditor had a contract to buy land from the debtor. The deal never closed, and the creditor sued in state court for breach of contract. Before trial, the debtor filed a chapter 11 petition.

In bankruptcy, the creditor moved to modify the stay so that the state court could decide who breached the contract. The bankruptcy court denied the motion. The creditor did not appeal.

The creditor filed a proof of claim, but the bankruptcy court disallowed the claim, ruling that the creditor, not the debtor, had breached the contract. Without objection from the creditor, the bankruptcy court confirmed the debtor’s plan.

The creditor then filed an appeal from denial of the lift-stay motion and from disallowance of the claim. The district court dismissed the stay appeal as untimely and upheld the claim ruling on the merits.

Also available as part of the eCourse

[Recent Developments in Bankruptcy Law \(2020\)](#)

First appeared as part of the conference materials for the  
39<sup>th</sup> Annual Jay L. Westbrook Bankruptcy Conference session  
"Recent Developments"