

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case no.: 04-05368-6B7

WANDA S. KINNEY,

Debtor.

**ORDER ON DEBTOR'S MOTION FOR
SANCTIONS AGAINST OMNI HEALTHCARE.**

This matter came before the Court upon the Debtor's Motion for Sanctions against OMNI Healthcare ("OMNI") on September 22, 2004. Sanctions are awarded in the total amount of \$600.00.

FINDINGS OF FACT

Debtor filed a Chapter 7 petition under Title 11 United States Code and submitted schedules listing OMNI as a creditor. An automatic stay of collection activities pursuant to 11 U.S.C. §362 was imposed at that time. OMNI received notice of the bankruptcy filing and was aware of the Court's prohibition on collection activities. OMNI disregarded the automatic stay and continued contacting the Debtor. Creditor's violation of the automatic stay was willful. Recovery of damages is authorized by 11 U.S.C. 362(h) for a willful violation of the stay. Actual damages of \$300.00 and punitive damages of \$300.00 are awarded to Debtor based on OMNI's violation of the automatic stay. Therefore, it is

ORDERED, ADJUDGED AND DECREED that Debtor's Motion for Sanctions against OMNI Healthcare is **GRANTED** as a result of its violations of the automatic stay imposed in this case; it is further

ORDERED, ADJUDGED AND DECREED that Wanda S. Kinney is awarded actual damages in the amount of \$300.00 and punitive damages in the amount of \$300.00; Debtor is awarded \$600.00 in total; it is further

ORDERED, ADJUDGED AND DECREED that OMNI Healthcare is further ordered to cease any and all communication and contact with the Debtor, Wanda S. Kinney; any effort to collect this debt, discharged in bankruptcy, is prohibited; it is further

ORDERED, ADJUDGED AND DECREED that jurisdiction is retained for any further violations.

DATED: January 4, 2005.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge