

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

Case No. 6:08-bk-08442-ABB
Chapter 7

THOMAS J. CURLEY and
NICOLE CURLEY,

Debtors.

THOMAS KOSMON VEIGLE
FOUNDATION, INC.,

Plaintiff,

vs.

Adv. Pro. No. 6:08-ap-00219-ABB

THOMAS J. CURLEY and
NICOLE CURLEY,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter came before the Court on the Complaint to Determine Dischargeability of Claim (Doc. No. 1) and the Motion for Summary Judgment (Doc. No. 4) filed by the Thomas Kosmon Veigle Foundation, Inc., the Plaintiff herein ("Plaintiff"), seeking to have a debt arising from a Florida State Court criminal proceeding be deemed nondischargeable pursuant to 11 U.S.C. Section 523(a)(7). The debt at issue arises from the death of Thomas Kosmon Veigle caused by Thomas J. Curley's ("Curley") operation of a motor vehicle while intoxicated.

A Judgment, Restitution Order, and Final Judgment Assessing Fees, Service Charges, Costs, and Fines (collectively, the "Judgment") were entered in favor of the Plaintiff and against Curley on December 3, 2004 by the Circuit Court, Fifth Judicial Circuit in and for Lake County, Florida in the criminal matter State of Florida v. Thomas J. Curley, Jr., Case No. 2004CF234-01. The Judgment provides Curley is to pay restitution of \$104,400.00 to the Plaintiff and imposes various mandatory costs and fines against Curley.

The parties filed a Stipulation and Consent to Order Granting Motion for Summary Judgment (Doc. No. 11) in which Curley stipulates the debt owed to the Plaintiff is nondischargeable pursuant to Section 523(a)(7) and the parties agree to dismiss Nicole Curley as a party defendant. The Plaintiff has established the debt owed to it by Curley is nondischargeable pursuant to Section 523(a)(7). The Stipulation is due to be approved and the Motion for Summary Judgment is due to be granted.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Stipulation (Doc. No. 11) is hereby **APPROVED**; and it is further

ORDERED, ADJUDGED and DECREED that the Defendant Nicole Curley is hereby **DISMISSED** as a defendant; and it is further

ORDERED, ADJUDGED and DECREED that the Plaintiff's Motion for Summary Judgment (Doc. No. 4) is hereby **GRANTED**.

A separate Judgment consistent with this Order shall be entered contemporaneously.

Dated this 20th day of February, 2009.

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