


ORDERED.

Dated: April 20, 2017



Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re)	
)	
JODELL M. ALTIER,)	Case No. 6:15-bk-01838-KSJ
)	Chapter 7
Debtor.)	
)	

ORDER AWARDING SANCTIONS AGAINST KELLEY A. BOSECKER

On February 16, 2017, I found Kelley A. Bosecker, a Florida lawyer, in contempt of court, directed her to stop certain actions, and to pay “all reasonable attorney’s fees and costs incurred by Goshen [Mortgage Company] between December 20, 2016, and February 8, 2017 (the “Fee Period”), to the extent such fees and costs related to any factual or legal issues raised” in the underlying contempt motions.¹ Goshen timely filed an affidavit seeking fees of \$16,032.50 and costs of \$3,117.67.² Ms. Bosecker, who has complied with the Court’s orders ceasing all contemptible action, objects contending the fees and costs are excessive.³ On April 5, 2017, the

¹ Doc. No. 234.
² Doc. No. 238.
³ Doc. No. 240.

Court held an evidentiary hearing to consider the sanctions to award for Ms. Bosecker's contempt of court.⁴ The Court will award \$3,000 in fees and \$3,117.67 in costs.

"Bankruptcy courts have broad discretion in awarding professional fees in bankruptcy proceedings."⁵ In awarding sanctions in contempt proceedings, bankruptcy courts have many options such as assessing a coercive daily fine or awarding attorney's fees and costs.⁶ "[S]anctions in civil contempt proceedings *may* be employed for either or both of two purposes: to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained."⁷ Courts should examine the purpose of the sanction when determining the amount. Here, Ms. Bosecker should only pay for those fees and costs directly related to work Goshen had to take in response to Ms. Bosecker's actions.

The Court does not doubt that counsel for Goshen billed the amounts requested. However, the Court cannot conclude that all the tasks taken were in response to Ms. Bosecker's actions. Some of the work was directed to contain other actors in this somewhat bizarre case. The amounts billed also are excessive and duplicative.

I will require Ms. Bosecker to pay only a portion of the requested fees because the contemptuous conduct was committed and facilitated by several actors, not just her alone. Ms. Bosecker has now complied with the Court's orders. After reviewing carefully the time records,

⁴ Doc. Nos. 254, 260.

⁵ *Gowdy v. Mitchell (In re Ocean Warrior, Inc.)*, 835 F.3d 1310, 1319 (11th Cir. 2016) (citing *Howard Johnson Co. v. Khimani*, 892 F.2d 1512, 1519 (11th Cir. 1990); *See also Nat'l Union Fire Ins. Co. of Pittsburgh, PA. v. Olympia Holding Corp.*, 140 Fed. App'x 860, 864 (11th Cir. 2005) ("Once a district court finds a party in contempt, it has 'broad discretion in fashioning a contempt sanction.'") (citing *Sizzler Family Steak Houses v. Sizzlin Steak House, Inc.*, 793 F.2d 1529, 1536 n.8 (11th Cir. 1986)).

⁶ *In re Ocean Warrior, Inc.*, (citing *Citronelle-Mobile Gathering, Inc. v. Watkins*, 943 F.2d 1297, 1304 (11th Cir. 1991)).

⁷ *Tom James Co. v. Morgan*, 141 F. App'x 894, 899 (11th Cir. 2005) (quoting *Local 28, Sheet Metal Workers' Int'l Ass'n v. EEOC*, 478 U.S. 421, 443, 106 S. Ct. 3019, 3033, 92 L.Ed.2d 344 (1986)) (internal quotation marks omitted) (emphasis supplied).

considering the arguments of counsel, and reviewing the pleadings, the sanction against Ms. Bosecker is to pay \$3,000 in fees and \$3,117.67 in costs.

Accordingly, it is

ORDERED:

1. \$3,000 in attorney's fees and \$3,117.67 in costs are assessed against Kelley A. Bosecker in favor of counsel for Goshen as sanctions for her civil contempt of court.
2. Ms. Bosecker must pay Goshen's attorneys \$6,117.67, **no later than October 15, 2017.**
3. Ms. Bosecker further is directed to pay a minimum of \$1,000 by the 15th day of each month, starting on May 15, 2017, and every month thereafter with the last monthly installment being \$1,117.67. Ms. Bosecker may pay the sanction award earlier, if desired. No interest will accrue if the sanction award is timely paid in full. However, if the entire sanction award is not fully paid by October 15, 2017, then a Final Judgment will issue upon which interest will accrue at the then prevailing federal rate.

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Attorney, Justin Luna, is directed to serve a copy of this order on all interested parties and file a proof of service within three days of entry of the order.