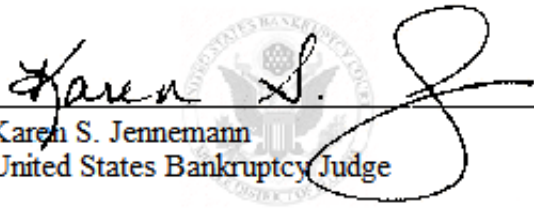


ORDERED.

Dated: February 20, 2020



 Karen S. Jennemann
 United States Bankruptcy Judge

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

In re)	
)	
Kim Michelle Burns,)	Case No. 6:19-bk-08093-KSJ
)	Chapter 13
Debtor.)	
_____)	

ORDER DISMISSING CASE AND PROHIBITING DEBTOR FROM FILING FUTURE BANKRUPTCY CASES

This case came before the Court on January 28, 2020, on the Order to Show Cause Why Case Should Not Be Dismissed and Bench Warrant Issued (Doc. No. 12)(“Order”). The Order directed the Debtor to appear before the Court on January 28, 2020, to show cause why the Debtor should not be held in contempt of court, why a bench warrant should not issue for the Debtor’s arrest for filing this case in violation of the injunction and for bankruptcy fraud, and why this case should not be dismissed and the injunction against refiling extended.

The Debtor did not appear at the scheduled hearing or file a response to the Order. Having reviewed the record and considering the positions of all interested parties, the Court will dismiss this case and impose a permanent injunction prohibiting the Debtor from filing any future bankruptcy case.

On December 10, 2019, the Debtor filed a Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code (Doc. No. 1). Prior to this case, Debtor filed the following cases:

- Case No. 6:19-bk-02160-CCJ, United States Bankruptcy Court for the Middle District of Florida. Chapter 13 Case Dismissed on May 1, 2019 for failure to file documents (Case No. 6:19-bk-02160-CCJ, Doc. No. 16);
- Case No. 6:18-bk-00774-CCJ, United States Bankruptcy Court for the Middle District of Florida. Chapter 13 Case. Order Dismissing Case entered August 29, 2018, which prohibits Debtor from filing a bankruptcy case for two years (Case No. 6:18-bk-00774-CCJ, Doc. No. 72);
- Case No. 17-15481-JKS, United States Bankruptcy Court for the District of New Jersey. Chapter 13 Case Dismissed on January 15, 2018 (Case No. 17-15481-JKS, Doc. No. 77);
- Case No. 16-21015-JKS, United States Bankruptcy Court for the District of New Jersey. Chapter 7 Case Dismissed for Failure to File Missing Documents on June 21, 2016 (Case No. 16-21015-JKS, Doc. No. 24);
- Case No. 16-16695-JKS, United States Bankruptcy Court for the District of New Jersey. Chapter 7 Case Dismissed for Failure to File Missing Documents on April 21, 2016 (Case No. 16-16695-JKS, Doc. No. 18);
- Case No. 16-13304-JKS, United States Bankruptcy Court for the District of New Jersey. Chapter 13 Case Dismissed for Failure to File Missing Documents on March 14, 2016 (Case No. 16-13304-JKS, Doc. No. 14);
- Case No. 15-27981-JKS, United States Bankruptcy Court for the District of New Jersey. Chapter 13 Case. Order Denying Confirmation and Dismissing Petition entered on January 21, 2016 (Case No. 15-27981-JKS, Doc. No. 58);
- Case No. 15-21871-JKS, United States Bankruptcy Court for the District of New Jersey. Chapter 13 Case. Order Denying Confirmation and Dismissing Petition entered on September 26, 2015 (Case No. 15-21871-JKS, Doc. No. 54).

Additionally, Debtor provided a social security number in Case No. 6:18-bk-00774-CCJ, that is inconsistent with the social security number listed in this case and in Case Number 6:19-

bk-02160-CCJ. The Court notes the Debtor's husband, David Scott Burns, also has filed a series of apparently coordinated abusive bankruptcy filings.¹

Debtor has filed these bankruptcy cases with bad faith and to abuse the bankruptcy system to get the benefit of the automatic stay but with no intent to comply with any of the rules or burdens imposed by § 521 of the Bankruptcy Code² on debtors. Every case listed above was dismissed because the Debtor failed to file schedules and other required pleadings, failed to pay the necessary filing fee, or attend a meeting with the designated trustee as required by 11 U.S.C. § 341. Debtor further has used a fictitious social security number to further "game" the bankruptcy system by evading a prior injunction prohibiting her from filing another case until June 3, 2020. Indeed, after filing three separate bad faith cases in the Middle District of Florida, no person associated with this Court has ever physically seen the Debtor.

Debtor did not comply with the Order. Nor has the Debtor offered any explanation for her contemptuous conduct. The Court specifically finds that the Debtor failed to attend the hearing on January 28, 2020, failed to explain the legitimacy or good faith in filing eight prior abusive bankruptcy cases, and altered her social security number to evade the Court's prohibition against refiling ordered in Case No. 6:18-bk-00774-CCJ.

Under Sections 105(a) and 349(a) of the Bankruptcy Code, courts may dismiss a case with a future bankruptcy filing injunction if "cause" exists.³ The term "cause" is not defined in

¹ David Scott Burns has filed the following cases: United States Bankruptcy Court for the Middle District of Florida, Case Nos. 6:18-bk-00774-CCJ and 6:19-bk-04146-KSJ; United States Bankruptcy Court for the District of New Jersey, Case Nos. 17-15481-JKS, 17-12045-JKS, 16-22342-JKS, 16-21015-JKS, 16-16695-JKS, 16-13304-JKS, 15-27981-JKS, and 15-21871-JKS; United States Bankruptcy Court for the Eastern District of New York, Case Nos. 1-05-23372-cec, and 1-03-18444-cec.

² All references to the Bankruptcy Code refer to 11 U.S.C. § 101 et. seq.

³ *In re Cusano*, 431 B.R. 726, 737 (B.A.P. 6th Cir. 2010); *In re Casse*, 198 F.3d 327, 339 (2nd Cir. 1999); *In re Wilcoxon*, No. 18-62228-rk, 2018 WL 6016540 at *3 (Bankr. N.D. Ohio Nov. 15, 2018); *In re Chung*, No. 13-15338- JKO, 2014 WL 11279465 at *10 (Bankr. S.D. Fla. Jan. 7, 2014); *See also In re Ross*, 858 F.3d 779, 785 (3rd Cir. 2017)(bankruptcy courts possess the general authority to issue a filing injunction against a debtor).

the Bankruptcy Code.⁴ Courts, however, have found that cause exists to issue a filing injunction when debtors with serial bankruptcy filings file a case in bad faith.⁵ The duration of the filing injunction is “within the court’s discretion.”⁶ And although a broad filing injunction is an “extreme remedy” that “should be narrowly tailored and sparingly used,”⁷ courts have imposed permanent filing injunctions when debtors have “flagrantly abused the bankruptcy process.”⁸

Here, the Court concludes that the Debtor has flagrantly abused the bankruptcy process. Debtor’s repeated, frivolous bankruptcy filings justify a permanent ban against refiling. Accordingly, it is

ORDERED:

1. This case is DISMISSED.
2. Debtor is permanently enjoined from filing any case under Title 11 of the United States Code in any jurisdiction.
3. If the Debtor attempts to file another bankruptcy case in violation of this injunction, **the Court will issue a bench warrant for the Debtor’s arrest without further notice or hearing** to allow the Debtor to explain why she should not be held in civil contempt for failing to abide by orders of this Court.
4. All pending hearings are canceled.
5. The Clerk is directed to close this case and to refuse to accept any future attempted bankruptcy filings by the Debtor.

###

⁴ *In re Chung*, 2014 WL 11279465 at *10; *In re Singer*, 2001 WL 1825791 at *2 (Bankr. M.D. Fla. Aug. 1, 2001) (Briskman, J.).

⁵ *See In re Cusano*, 431 B.R. at 737; *In re Marshall*, 407 B.R. 359, 363 (B.A.P. 8th Cir. 2009); *In re Casse*, 198 F.3d at 339, 341; *In re Graffy*, 216 B.R. 888, 891-92 (Bankr. M.D. Fla. 1998)(Baynes, J.).

⁶ *In re Morris*, No. 3:10-BK-04143, 2010 WL 3943927 at *9 (Bankr. M.D. Tenn. Oct. 6, 2010)(citing *In re Casse*, 198 F.3d 327, 339 (2nd Cir. 1999)); *See also In re Wilcoxon*, 2018 WL 6016540 at *3.

⁷ *In re Ross*, 858 F.3d 779,787 (3d Cir. 2017)(quoting *In re Packer Ave. Assocs.*, 884 F.2d 745, 747 (3d Cir. 1989)).

⁸ *In re McCoy*, 237 B.R. 419, 422 (Bankr. S.D. Ohio 1999) (citing *In re Millers*, 90 B.R. 567, 568 (Bankr. S.D. Fla. 1988)).

The Clerk is directed to serve a copy of this order on all interested parties.