

ORDERED.

Dated: September 27, 2018



Catherine Peek McEwen  
United States Bankruptcy Judge

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

In re:

Case No. 8:17-bk-03847-CPM

Michelle Maria Simonds,

Chapter 13

Debtor.

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**ORDER DISCHARGING ORDER TO SHOW CAUSE**

THIS CASE came on for hearing on May 16, 2018, for consideration of the Order to Show Cause to Attorney Carmen Lubbecke (Doc. 123) directing Ms. Lubbecke to appear and show cause why the Court should not impose sanctions against her for instructing the Debtor to file a bankruptcy petition for an improper purpose, namely, to stop a foreclosure sale. Although it is not improper to recommend bankruptcy to an individual who seeks to utilize the bankruptcy court's mediation program and obtain a discharge, it is completely improper — and sanctionable — to advise a debtor to file only a bankruptcy petition (i.e., without supporting schedules, statement of financial affairs, etc.) with the sole aim being to stop or delay a foreclosure sale. At the hearing, Ms. Lubbecke explained the circumstances surrounding her representation of the Debtor in a pending foreclosure action and denied recommending bankruptcy to the Debtor for an improper purpose. Ms. Lubbecke provided the Court with e-mail correspondence in her

defense. The Court having reviewed the documents and having determined that there is evidence that Ms. Lubbecke recommended bankruptcy to the Debtor, but noting there is not compelling evidence that this recommendation was made in bad faith, it is, therefore

**ORDERED** that no sanctions will be imposed upon Ms. Lubbecke for instructing the Debtor to commence this case. However, the Court will not hesitate to impose sanctions if it finds any foreclosure counsel recommending bankruptcy to any person for a bad faith purpose.

The Clerk is directed to serve a copy of this order on the Debtor and on Carmen Lubbecke at Carmen Lubbecke, P.A., 715N. Washington Blvd., Suite B, Sarasota, FL 34236.