

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re)
)
BRYAN ALEXANDER KUTCHINS,) Chapter 7
)
Debtor.) Case No. 6:08-bk-00345-KSJ
)
_____)
)
WALTER S. KUTCHINS, SCOTT S.)
KUTCHINS, and KRISTEN K.)
FREIMUTH)
)
Plaintiffs,) Adv. Pro. No. 6:08-ap-00067-KSJ
)
v.)
)
BRYAN ALEXANDER KUTCHINS,)
)
Defendant.)
_____)

JUDGMENT

The plaintiffs, Walter and Scott Kutchins and Kristen Freimuth, filed a three-count adversary complaint averring that a judgment entered against the defendant, Bryan Kutchins, is not dischargeable under Bankruptcy Code Sections 523(a)(4) (Count I), and 523(a)(6) (Count II), and objecting to the defendant's discharge pursuant to Bankruptcy Code Section 727(a)(2)(A) (Count III). The plaintiffs contend they are entitled to summary judgment on Count II; the defendant argues he is entitled to a discharge and to summary judgment on Counts I and III (Doc. Nos. 7 and 9). Consistent with the Memorandum Opinion entered simultaneously herewith, it is

ORDERED:

1. The Plaintiffs' Motion for Summary Judgment (Doc. No. 7) is granted.
2. The Judgment obtained by the plaintiffs against the defendant is not dischargeable under Section 523(a)(6) of the Bankruptcy Code.
3. The Defendant's Motion for Summary Judgment (Doc. No. 9) also is granted.

4. The plaintiffs failed to establish any exception to discharge arising from Section 523(a)(4) or to deny the defendant a discharge under Section 727(a)(2)(A).
5. Because this judgment resolves all issues raised in this adversary proceeding, the Court will cancel the pretrial conference scheduled for December 18, 2008.

DONE AND ORDERED on December 5, 2008.

A handwritten signature in black ink, appearing to read "Karen S. Jennemann" with a small "cxc" to the right.

KAREN S. JENNEMANN
United States Bankruptcy Judge

Copies provided to:

Plaintiffs: Walter S. Kutchins, Scott S. Kutchins, and Kristen K. Freimuth, c/o Sivyer Barlow & Watson, PA, 401 E. Jackson Street, Suite 2225, Tampa, FL 33602

Plaintiffs' Attorney: Melissa A. Givens, Sivyer, Barlow & Watson, PA, 401 E. Jackson Street, Suite 2225, Tampa, FL 33602

Debtor/Defendant: Bryan Alexander Kutchins, 1394 River Oaks Court, Oldsmar, FL 34677

Debtor/Defendant's Attorney: David R. McFarlin, Wolff, Hill, McFarlin & Herron, PA, 1851 West Colonial Drive, Orlando, FL 32804