

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

**DATED** this 16 day of May, 2005 in  
Jacksonville, Florida.

CASE NO.: 03-01873-3F7

In re:

ELLEN M. MARTEL,

Debtor.

JOHN J. TALARICO and  
PHILBERT O. SMAW,

Plaintiffs,

v.

ADV. NO.: 03-346

ELLEN M. MARTEL,

Defendant.

/s/ Jerry A. Funk

**JERRY A FUNK**

United States Bankruptcy Judge

**Copies furnished to:**

**Michael S. Drews, Attorney for Plaintiffs**  
**J. Herbert Williams, Attorney for Defendant**

**JUDGMENT**

This proceeding came before the Court upon a complaint filed by Plaintiffs seeking to except the debt owed to them by Debtor from her discharge pursuant to 11 U.S.C. § 523(a)(2)(A) and (a)(6). Upon Findings of Fact and Conclusions of Law separately entered, it is

**ADJUDGED:**

1. Judgment is entered in favor of Debtor, Ellen M. Martel, and against Plaintiffs, John J. Talarico and Philbert O. Smaw.
2. Debtor's debt to Plaintiff is not excepted from discharge based on the application of collateral estoppel as applied in New Jersey and pursuant to 11 U.S.C. § 523(a)(2)(A) and 11 U.S.C. § 523(a)(6).
3. Plaintiff's case is dismissed.