

United States Bankruptcy Court
Eastern District of Wisconsin

In re:
William J. Foley
Debtor

Case No. 14-31425-gmh
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0757-2

User: lmi
Form ID: pdf1

Page 1 of 1
Total Noticed: 14

Date Rcvd: Mar 27, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 29, 2015.

db +William J. Foley, 11400 W. Bluemound Road, Suite 300, Brookfield, WI 53226-4049
aty +Levy & Levy, S.C., N61 W6058 Columbia Road, Cedarburg, WI 53012-2032
cr +Marc Rassbach, PO Box 39, Milwaukee, WI 53201-0039
credaty +Sandwich Kings, LLC, d/b/a Suburpia, et al., Nistler Law Office, S.C.,
7000 West North Avenue, Wauwatosa, WI 53213-1943
cr +Watercrest Investments, 924 E. Juneau Avenue, Milwaukee, WI 53202-2748
9222087 +Danny K. Laabs, 3831 N. Willis Place, Milwaukee, WI 53222-2547
9089911 +George Papas, 6055 S. Howell Ave, Milwaukee, WI 53207-6233
9187590 +Joan M. Shepard, 7000 W. North Avenue, Wauwatosa, WI 53213-1943
9187591 +Sandwich Kings, LLC et al., 7000 W. North Avenue, Wauwatosa, WI 53213-1943
9074114 +US Foods, Inc., Kohner, Mann & Kailas, S.C., 4650 N. Port Washington Road,
2nd Floor North, Milwaukee, WI 53212-1077
9105069 +Watercrest Investments, c/o Attorney Robert Meyeroff, 633 w. Wisconsin Ave., Suite 605,
Milwaukee, WI 53203-1925
9020997 +Wisconsin Department of Revenue, PO Box 8901, Madison, WI 53708-8901
9022978 Wisconsin Department of Revenue, Attn: Special Procedures, MS 4-SPU, PO BOX 8901,
Madison WI 53708-8901

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

9020996 +E-mail/Text: cio.bncmail@irs.gov Mar 28 2015 01:35:58 Internal Revenue Service,
PO Box 7346, PHILADELPHIA, PA 19101-7346

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 29, 2015

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 27, 2015 at the address(es) listed below:


Amy J. Ginsberg on behalf of U.S. Trustee Office of the U. S. Trustee
amy.j.ginsberg@usdoj.gov, Carrie.Jekelis@usdoj.gov
Brent D. Nistler on behalf of Creditor Attorney Sandwich Kings, LLC, d/b/a Suburpia, et al.
bnistler@nistlerlaw.com, jshepard@nistlerlaw.com
Douglas F. Mann dfmatty@aol.com, dfmann@ecf.epiqsystems.com
Douglas F. Mann on behalf of Trustee Douglas F. Mann dfmatty@aol.com,
dfmann@ecf.epiqsystems.com
Office of the U. S. Trustee ustpreion11.mi.ecf@usdoj.gov
R. Douglas Stansbury on behalf of Attorney Levy & Levy, S.C. dstans@levyandlevy.com,
jfatla@levyandlevy.com
Robert N. Meyeroff on behalf of Creditor Watercrest Investments rmeyeroff633@sbcglobal.net

TOTAL: 7



THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: March 27, 2015


G. Michael Halfenger
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re:

William J. Foley,

Case No. 14-31425-GMH

Debtor.

Chapter 7

**ORDER DENYING DEBTOR'S DISCHARGE UNDER 11 U.S.C. §727(a)(6)(A) FOR
REFUSAL TO OBEY COURT ORDERS**

Mr. Foley filed this case on September 10, 2014. Since November 26, Mr. Foley has refused to obey no less than six court orders commanding his attendance at hearings and commanding him to turn over documents. See CM-ECF, Doc. Nos. 124, 134, 138, 153, 154 & 188.

On February 19, 2015, Mr. Foley failed to appear at a hearing on the trustee's motion for turnover of documents after being ordered to do so. See CM-ECF, Doc. No. 154.

I have already held Mr. Foley in contempt of court, warned him of possible monetary sanctions, and cautioned him that his appearance might be compelled should he continue refusing to appear in the face of orders requiring him to do so. See CM-ECF, Doc. Nos. 153, 154. Mr. Foley persisted in his disobedience.

On February 27, 2015, I issued an order requiring Mr. Foley to appear at a hearing on March 23, 2015, and show cause why he should not be denied a discharge under 11 U.S.C. §727(a)(6)(A) for repeated failure to comply with court orders. CM-ECF, Doc. No. 188. I warned Mr. Foley that failure to appear and proffer a showing of cause on March 23

would be grounds for a denial of discharge under §727(a)(6)(A), as well as other sanctions. Mr. Foley did not appear at the March 23 hearing.

Pursuant to section 727(a)(6)(A) of Title 11 of the United States Code, the court can deny a discharge if “the debtor has refused, in the case —(A) to obey any lawful order of the court, other than an order to respond to a material question or to testify.” The debtor has failed to comply with at least six orders of the court. See CM-ECF, Doc. Nos. 124, 134, 138, 153, 154 & 188. The court has the power to raise the issue of denial of discharge *sua sponte* “to prevent an abuse of process.” 11 U.S.C. §105(a).

The debtor’s repeated and willful failure to comply with lawful court orders, and to turn over documents and information to the chapter 7 trustee, is an abuse of process and provides ample support for the denial of the debtor’s discharge under §727(a)(6)(A).

IT IS HEREBY ORDERED that the debtor is not entitled to a discharge in this case pursuant to §727(a)(6)(A).

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