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Certiorari Granted. The Supreme Court will hear an appeal in a consumer bankruptcy dispute regarding the proper interpretation of the phrase “projected disposable income” for above-median, chapter 13 debtors. Specifically, the Court will determine whether, in calculating the debtor’s projected disposable income during the plan period, the bankruptcy court may consider evidence suggesting that the debtor’s income or expenses during that period are likely to be different from her income or expenses during the pre-filing period. *Hamilton v. Lanning*, 130 S. Ct. 487 (2009).

Attorney Fees for Erroneously Removed Case. In remanding an erroneously removed case, the court “may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of removal.” 28 U.S.C. § 1447(c). Bankruptcy court ordered payment of attorney fees against removing party and its counsel. *Held*, presumption of fee-shifting statutes is to prohibit awards against counsel unless explicitly permitted; therefore, § 1447(c) does not apply to counsel. *MR Crescent City, LLC v. Draper (In re Crescent City Estates, LLC)*, 588 F.3d 822 (4th Cir. 2009).

Compensation of Federally Superseded Custodian. Bankruptcy court erred in failing to apply “benefit to the estate” test in awarding compensation to federally superseded custodian. The Bankruptcy Code does not authorize such custodians to oppose involuntary petitions; therefore, efforts in that regard are not compensable. *Szwak v. Earwood (In re Bodenheimer, Jones, Szwak & Winchell, L.L.P.)*, 2009 U.S. App. LEXIS 28587 (5th Cir. Dec. 29, 2009).

Questions on Imputation and Adverse Interest Certified to State Court. In litigation stemming from the Refco failure, the Second Circuit certified to the New York Court of Appeals the following questions, among others: 1) whether the adverse interest exception is satisfied by showing that the insiders intended to benefit themselves by their misconduct; 2) whether the exception is available only where the insiders' misconduct has harmed the corporation; 3) if harm is required, whether the analysis of such harm may include any detriment to a corporation resulting from the eventual unmasking of the misconduct; 4) whether the exception is precluded where the misconduct conferred some benefit upon the corporation; and 5) if the adverse interest exception were otherwise available, would it be precluded by the "sole actor" rule? *Kirschner v. KPMG LLP*, 2009 U.S. App. LEXIS 28207 (2d Cir. Dec. 23, 2009).

Claims Release in ABC Sale. Court relieved creditor of individual from judgment allowing sale of company that entered an ABC to the individual. Creditor obtained consent judgment against company and individual and language in sale order released individual from liability on that judgment. Creditor was denied due process because jurisdictional pleadings failed to put creditor

on notice that ABC would reach beyond claims against company. *Associated Receivables Funding of Fla., Inc. v. Moecker*, 2009 Fla. App. LEXIS 19774 (Fla. Dist. Ct. App. 5th Dist. Dec. 18, 2009).

WARN Act. Migration of attorney practice groups from later dissolved firm to other law firms was insufficient, standing alone, to constitute a sale of those practice groups for purposes of imposing WARN Act responsibilities on the law firms. Even if there were partial purchases by law firms, none had a duty to employees left behind because “purchases” were not tantamount to mass layoff or plant shutdown and it was later dissolved law firm that terminated employees who remained with it after migrations took place. *Patterson v. O’Neal*, 2009 U.S. Dist. LEXIS 110333 (N.D. Cal. Nov. 25, 2009).