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## SUPREME COURT

### 11 USC § 546

**U. S.** *Merit Mgmt. Group, LP v. FTI Consulting, Inc.*, 138 S. Ct. 883 (2018)(the relevant transfer for purposes of the securities safe harbor of §546(e) is the transfer sought to be avoided by the trustee, not its component parts).

## TITLE 11 U.S.C.

### 11 USC § 101

**U. S.** *U.S. Bank Nat'l Ass'n v. Village at Lakeridge, LLC*, 138 S. Ct. 960 (2018)(bankruptcy court's conclusion that a question of claimant's non-statutory insider status for purposes of chapter 11 cramdown eligibility is subject to review only for clear error). **[add to Sup. Ct. cases]**

### 11 USC § 106

**9th Cir.** *Zazzali v. U.S. (In re DBSI, Inc.)*, 869 F.3d 1004 (9th Cir. 2017)(trustee could set aside prepaid taxes based on Idaho fraudulent transfer law given Congress's waiver of sovereign immunity).

### 11 USC § 108

**8th Cir.** *Melikian Enters., LLLP v. McCormick*, 863 F.3d 802 (8th Cir. 2017)(pending 90 day filing requirement for pursuing foreclosure deficiency under Arizona law was controlled by §108(c); suit filed prior to foreclosure did not satisfy state requirement, and subsequent reopening of bankruptcy case did not renew expired time period).

**11th Cir.** *Title Max v. Northington (In re Northington)*, 876 F.3d 1302 (11th Cir. 2017)(Ga. redemption deadline to redeem pawned car which expired postpetition was tolled for 60 days; however, car was no longer property of the estate at the end of the 60 day extension).

### 11 USC § 326

**5th Cir.** *Lejeune v. JFK Capital Holdings, L.L.C. (In re JFK Capital Holdings, L.L.C.)*, 880 F.3d 747 (5th Cir. 2018)(§326(a) percentages are presumptively reasonable for chapter 7 trustee awards).

### 11 USC 330

**5th Cir.** *Lejeune v. JFK Capital Holdings, L.L.C. (In re JFK Capital Holdings, L.L.C.)*, 880 F.3d 747 (5th Cir. 2018)(§330 still allows a reduction or denial of chapter 7 trustee compensation, though that should be a rare event).

**11 USC § 348**

**3d Cir.** *Varela v. AE Liquidation, Inc. (In re AE Liquidation, Inc.)*, 866 F.3d 515 (3d Cir. 2017)(when case was converted to chapter 7, layoff of employees did not trigger WARN Act, since it was held that unforeseeable business circumstances caused the layoffs).

**11 USC § 350**

**5th Cir.** *Dorsey v. U.S. Dept. of Educ. (In re Dorsey)*, 870 F.3d 359 (5th Cir.)(case reopened “for cause” to allow filing of claims by student loan lenders when debtor raised “undue hardship” discharge claim).

**11 USC § 362**

**5th Cir.** *Cowin v. Countrywide Home Loans, Inc. (In re Cowin)*, 864 F.3d 344 (5th Cir. 2017)(debtor failed to demonstrate harm from violation of stay when any error would be harmless; violative court order allowed to stand).

**9th Cir.** *Partida v. U.S. Dept. of Justice (In re Partida)*, 862 F.3d 909 (9th Cir. 2017)(the Mandatory Victims Restitution Act, 18 U.S.C. §3613(a), allows the government to collect restitution despite the automatic stay).

**9th Cir.** *Burton v. Infinity Capital Mgmt.*, 862 F.3d 740 (9th Cir. 2017)(actions taken in violation of automatic stay are void; state court modification of the stay is an unauthorized infringement on bankruptcy court’s jurisdiction).

**10th Cir.** *Lee v. McCardle (In re Peebles)*, 880 F.3d 1207 (10th Cir. 2018)(judgment creditor was not entitled to claim for damages for automatic stay violation, since creditor’s claim did not fall within the “zone of interests” protected under §362(k)).

**11th Cir.** *Mantiply v. Horne (In re Horne)*, 876 F.3d 1076 (11th Cir. 2017)(§362(k)(1) is broad enough to include recovery of attorneys’ fees in prosecuting a damages action from a stay violation and in defending a damage judgment on appeal).

**11 USC § 363**

**1st Cir.** *Mission Prod. Holdings, Inc. v. Old Cold LLC (In re Old Cold LLC)*, 879 F.3d 376 (1st Cir. 2018)(unstayed asset sale upheld to good faith purchaser under §363(m); unsuccessful bidder received sufficient notice that chapter 11 debtor was seeking a waiver of the stay provided by FRBP 6004(h)).

**3d Cir.** *Schepis v. Burtch (In re Pursuit Cap. Mgmt., LLC)*, 874 F.3d 124 (3d Cir. 2017)(in a sale of the trustee’s avoidance actions, unsuccessful bidders’ appeal was held as statutorily moot under §363(m), because appellants did not obtain a stay and their appeal would affect the validity of the sale to a good faith purchaser).

**9th Cir.** *Pinnacle Restaurant at Big Sky, LLC v. CH SP Acquisitions, LLC (In re Spanish Peaks Holdings II, LLC)*, 872 F.3d 892 (9th Cir. 2017)(under appropriate circumstances, trustee’s sale of property under §363(f)(1) without formally rejecting affected leases was free and clear of the leaseholds).

**11 USC § 365**

**1st Cir.** *Mission Prod. Holdings, Inc. v. Tempnology, LLC (In re Tempnology, LLC)* 879 F.3d 389 (1st Cir. 2018)(products using debtor’s patented cooling process were neither “intellectual property” nor an “embodiment” of such intellectual property, so counter party could not preserve its exclusive right to sell post-rejection under §365(n)(1)(B)).

**8th Cir.** *Gretter v. Gretter Autoland, Inc. (In re Gretter Autoland, Inc.)*, 864 F.3d 888 (8th Cir. 2017)(appeal of denial of chapter 11 debtors’ motion to assume and assign auto dealer agreements was moot when agreements had been terminated or automatically rejected).

**8th Cir.** *Sears v. Sears (In re Sears)*, 863 F.3d 973 (8th Cir. 2017)(stock sale agreement from claimants to debtor was not executor even with a promissory note since primary purpose of agreement was effected when stock was transferred).

**11 USC § 502**

**8th Cir.** *Sears v. Sears (In re Sears)*, 863 F.3d 973 (8th Cir. 2017)(postpetition conduct cannot justify disallowing proof of claim).

**8th Cir.** *Melikian Enters., LLLP v. McCormick*, 863 F.3d 802 (8th Cir. 2017)(failure to file deficiency law suit under AZ foreclosure law is a defense to creditor’s claim).

**9th Cir.** *McProud v. Siller (In re DWS Enters., Inc.)* 870 F.3d 1106 (9th Cir. 2017)(prepetition arbitrator’s attorneys’ fee award, confirmed by CA court, had preclusive effect, and bankruptcy court could not apply lodestar standard under § 502(b)(4)).

**11 USC § 503**

**3d Cir.** *In re: World Imports, Ltd.*, 862 F.3d 338 (3d Cir. 2017)(vendor entitled to administrative claim under §503(b)(9) if goods were sold by vendor, in the ordinary course of business and received by debtor within 20 days of filing; “receipt” means physical possession).

**11 USC § 506**

**4th Cir.** *Bate Land Co. LP v. Bate Land & Timber LLC (In re Bate Land & Timber LLC)*, 877 F.3d 188 (4th Cir. 2017)(court disallowed 266 days of postpetition interest which had accrued during delay attributed to court’s schedule or proceeding brought by secured creditor).

**11 USC § 521**

**11th Cir.** *Slater v. U.S. Steel*, 871 F.3d 1174 (11th Cir. 2017)(*en banc*)(facts and circumstances must be considered in determining whether failure to list civil claim in plaintiff’s bankruptcy case will bar civil action).

**REMOVE THIS CASE FROM ALL EDITIONS - 11th Cir.** *Slater v. U.S. Steel Corp.*, 820 F.3d 1193 (11th Cir. 2016)(judicial estoppel barred former employee’s suit for discrimination after she failed to disclose claims in her chapter 7).

**REMOVE THIS CASE FROM ALL EDITIONS – 11th Cir.** *Barger v. City of Cartersville, Ga.*, 348 F.3d 1289 (11th Cir. 2003)(failure to disclose is “inadvertent” only when party lacks knowledge of undisclosed asset or lacks motive for concealment; claim for damages due to unlisted employment discrimination claim was judicially estopped, but request for reinstatement was allowed).

**REMOVE THIS CASE FROM ALL EDITIONS – 11th Cir.** *Billups v. Pemco Aeroplex, Inc. (In re Burnes)*, 291 F.3d 1282 (11th Cir. 2002)(debtor, who intentionally failed to disclose his employment discrimination suit in his bankruptcy proceeding, was judicially estopped from pursuing monetary damages, but not injunctive relief; the duty to disclose is a continuing one).

#### **11 USC § 522**

**5th Cir.** *Lowe v. DeBerry (In re DeBerry)*, 884 F.3d 526 (5th Cir. 2018)(proceeds from chapter 7 debtor’s Texas homestead claimed as exempt without objection were not property of the estate when not reinvested within 6 months of postpetition sale).

**5th Cir.** *Peake v. Ayobami (In re Ayobami)*, 879 F.3d 152 (5th Cir. 2018)(in certain situations debtor is allowed to exempt 100% interest in an asset claimed under §522(d), if her interest is less than or equal to a statutory dollar limit).

**5th Cir.** *Hawk v. Engelhart (In re Hawk)*, 871 F.3d 287 (5th Cir. 2017)(chapter 7 debtors did not lose their exemption in an IRA in which they withdrew funds postpetition without depositing in another retirement account under Texas law; unlike chapter 13, chapter 7 property is determined at the time of filing).

#### **11 USC § 523**

**5th Cir.** *Cowin v. Countrywide Home Loans, Inc. (In re Cowin)*, 864 F.3d 344 (5th Cir. 2017)(under § 523(a)(4) debtor’s intentional act to deprive lenders of their deed of trust property constituted “larceny”; dischargeability denied for “willful and malicious injury” under § 523(a)(6) when court found an objective substantial certainty of harm.)

**8th Cir.** *Missouri Dept. of Social Servs. v. Spencer (In re Spencer)*, 868 F.3d 748 (8th Cir. 2017)(disallowance of portion of Mo.’s claim for support arrears was not subject to chapter 13 discharge injunction under § 523(a)(5)).

**CHANGE FROM 2017 EDITION - 11th Cir.** *Appling v. Lamar, Archer & Cofrin, LLP (In re Appling)*, 848 F.3d 953 (11th Cir. 2017), *cert. granted* 138 S. Ct. 734 (2018)(debt incurred based on an oral, fraudulent statement respecting debtor’s financial condition is dischargeable; statement about a single asset can be considered a “statement respecting...the debtor’s financial condition”).

#### **11 USC § 524**

**9th Cir.** *Mandelbrot v. J.T. Thorpe Settlement Trust (In re J.T. Thorpe Settlement Trust)*, 870 F.3d 1121 (9th Cir. 2017)(asbestos trust entered settlement agreement with attorney barring him from bringing further claims; case remanded to determine if state or federal law controlled enforceability of disbarment provision).

**11 USC § 541**

**5th Cir.** *Norris v. Causey*, 869 F.3d 360 (5th Cir. 2017)(defendants’ failure to raise a real party in interest defense due to plaintiffs’ failure to list subject claims in their bankruptcy was not jurisdictional and was waived when raised after judgment was entered).

**7th Cir.** *Reinbold v. Thorpe (In re Thorpe)*, 881 F.3d 536 (7th Cir. 2018)(chapter 7 debtor who was divorcing at the time of filing held only a contingent interest in their joint home which could be awarded to non-debtor spouse under Ill. law).

**7th Cir.** *Grede v. FCStone, LLC*, 867 F.3d 767 (7th Cir. 2017)(debtor/futures commission merchant’s customers were entitled to funds held in a statutory trust under the Commodity Exchange Act and could trace their deposits to specific assets in which they held beneficial interest; such assets were not property of the estate).

**7th Cir.** *Carroll v. Takada*, 864 F.3d 512 (7th Cir. 2017)(debtor’s interest in deceased parents’ trust which had vested prior to filing was not exempt or excluded from estate due to spendthrift provision).

**8th Cir.** *Allison v. Centris Fed. Credit Union (In re Tri-State Fin., LLC)*, 885 F.3d 528 (8th Cir. 2018)(Nebraska law requires clear and convincing evidence of the creation of a trust and its terms).

**8th Cir.** *Combs v. The Cordish Cos.*, 862 F.3d 671 (8th Cir. 2017)(chapter 7 debtor’s §1981 discrimination claims were not estopped by failure to list in bankruptcy when alleged discriminatory acts occurred postpetition).

**9th Cir.** *S & H Packing & Sales Co. v. Tanimura Distrib., Inc.*, 883 F.3d 797 (9th Cir. 2018)(PACA trust assets are excluded from PACA trustee’s bankruptcy estate).

**9th Cir.** *DZ Bank AG v. Meyer*, 869 F.3d 839 (9th Cir. 2017)(entire amount of assets indirectly fraudulently transferred by 100% shareholders held nondischargeable in shareholders’ bankruptcy under “actual fraud” exception of §523(a)(2)(A)).

**9th Cir.** *Frealy v. Reynolds (In re Reynolds)*, 867 F.3d 1119 (9th Cir. 2017)(estate was entitled to full amount of spendthrift trust distribution due to chapter 7 debtor prepetition; under CA law, estate could access 25% of expected future payments, reduced by the amount needed to support debtor and his dependents).

**REMOVE THIS CASE FROM ALL EDITIONS - 9th Cir.** *S & H Packing & Sales Co. v. Tanimura Distrib., Inc.*, 850 F.3d 446 (9th Cir. 2017)(commercially reasonable factoring agreement removed accounts receivable from PACA trust).

**11th Cir.** *Title Max v. Northington (In re Northington)*, 876 F.3d 1302 (11th Cir. 2017)(Ga. redemption deadline to redeem pawned car which expired postpetition was tolled for 60 days under §108(b); however, car was no longer property of the estate at the end of the 60 day extension).

**11 USC § 542**

**7th Cir.** *Bank of Am., N.A. v. Veluchamy (In re Veluchamy)*, 879 F.3d 808 (8th Cir. 2018)(turnover action to recover funds debtor parked in controlled company's bank account did not require company as necessary party since there was no evidence that company exercised any control in this sham transaction; nor was adversary proceeding for fraudulent conveyance needed).

**11 USC § 544**

**1st Cir.** *Development Specialists, Inc. v. Kaplan (In re Irving Tanning Co.)*, 876 F.3d 384 (1st Cir. 2017)(allegedly fraudulent prepetition transfers had to be evaluated separately as to the creditors of each of the jointly administered debtors).

**11 USC § 545**

**9th Cir.** *Los Angeles County Treasurer & Tax Collector v. Mainline Equip., Inc. (In re Mainline Equip., Inc.)*, 865 F.3d 1179 (9th Cir. 2017)(Cal. statutory lien on debtor's personal property was avoidable as unenforceable against a bona fide purchaser of debtor's personal property when it was not recorded with secretary of state).

**11 USC § 546**

**U. S. Merit Mgmt. Group, LP v. FTI Consulting, Inc.**, 138 S. Ct. 883 (2018)(the relevant transfer for purposes of the securities safe harbor of §546(e) is the transfer sought to be avoided by the trustee, not its component parts). **[Also, add to Landmark Supreme Ct Cases.]**

**9th Cir.** *Milby v. Templeton (In re Milby)*, 875 F.3d 1229 (9th Cir. 2017)(debtor's failure to disclose transfers on schedules, along with other failures to respond truthfully and turnover documents were extraordinary circumstances which tolled 2 year limitations on fraudulent transfers; funds transferred from accounts held by nondebtor parties could not be avoided).

**11 USC § 547**

**7th Cir.** *Levin v. Verizon Business Global, LLC (In re OneStar Long Distance, Inc.)*, 872 F.3d 526 (7th Cir. 2017)(debtor's assignment of debt and contractual rights to an affiliate doesn't effect a repayment of creditor for his new value).

**11 USC § 548**

**3d Cir.** *Philadelphia Entm't & Dev. Partners, LP v. Comm. of Penn. Dept. of Rev. (In re Philadelphia Entm't & Dev. Partners, LP)*, 879 F.3d 492 (3d Cir. 2018)(prior judgment of Penn. courts approving revocation of debtor's gaming license did not preclude fraudulent conveyance action by trustee pursuant to *Rooker-Feldman* doctrine).

**11 USC § 550**

**9th Cir.** *Henry v. Off. Comm. of Unsecured Creditors (In re Walldesign, Inc.)*, 872 F.3d 954 (9th Cir. 2017)(principal of corporate debtor who misappropriates funds does not become the initial transferee of the fraudulent transfer).

**11 USC § 554**

**6th Cir.** *Jahn v. Burke (In re Burke)*, 863 F.3d 521 (6th Cir. 2017)(chapter 7 debtors had standing to compel abandonment of their homestead, which was found to have inconsequential equity).

**11 USC § 704**

**3d Cir.** *Phoenician Mediterranean Villa, LLC v. Swope (In re J & S Props., LLC)*, 872 F.3d 138 (3d Cir. 2017)(trustee is entitled to qualified immunity from §1983 claims for actions taken in their official capacity not contrary to clearly established law).

**11 USC § 707**

**4th Cir.** *Janvey v. Romero*, 883 F.3d 406 (4th Cir. 2018)(bankruptcy court had not abused its discretion in denying a motion to dismiss based on bad faith, even though creditor asserted its debt was the sole reason for filing, that debtor threatened to file bankruptcy in settlement negotiations, and that debtor with substantial exempt assets had not attempted to repay).

**9th Cir.** *Aspen Skiing Co. v. Cherrett (In re Cherrett)*, 873 F.3d 329 (9th Cir. 2017)(bankruptcy holding that housing loan provided by employer used to purchase debtor’s condo was not a “consumer debt” under §707(b)(1) was affirmed).

**11 USC § 727**

**1st Cir.** *Zizza v. Harrington (In re Zizza)*, 875 F.3d 728 (1st Cir. 2017)(debtor-attorney’s omissions from schedules of pending lawsuits for her personal injuries constitute “false oaths” supporting denial of discharge under §727(a)(4)(A)).

**11 USC § 1104**

**1st Cir.** *United Surety & Idem. Co. v. Lopez-Munoz (In re Lopez-Munoz)*, 866 F.3d 487 (1st Cir. 2017)(bankruptcy court did not abuse discretion in denying appointment of trustee for cause when prepetition transfers were not material and errors on statements were explainable).

**11 USC § 1109**

**1st Cir.** *Assured Gty. Corp. v. Financial Oversight and Mgmt. Bd. for Puerto Rico (Financial Oversight and Mgmt. Bd. for Puerto Rico)*, 872 F.3d 57 (1st Cir. 2017)(§1109(b), incorporated into PROMESA, gave unsecured creditors’ committee unconditional right to intervene in an adversary proceeding).

**7th Cir.** *Gecker v. Flynn (In re Emerald Casino, Inc.)*, 867 F.3d 743 (7th Cir. 2017)(Illinois adverse domination rule was not toll the statute of limitations defense when creditors’ committee could have brought suit against the debtor’s principals).

**11 USC § 1111**

**9th Cir.** *JPMCC 2007-C1 v. Transwest Resort Props. Inc. (In re Transwest Resort Props., Inc.)*, 881 F.3d 724 (9th Cir. 2018)(a plan is not required to have a due-on-sale clause for the benefit of a § 1111(b)(2) electing creditor).

**11 USC § 1123**

**6th Cir.** *Nestle Waters N. Am. v. Mountain Glacier LLC (In re Mountain Glacier LLC)*, 877 F.3d 246 (6th Cir. 2017)(debtor sufficiently retained its preexisting legal action in its disclosure statement and plan).

**11 USC § 1129**

**2d Cir.** *Momentive Performance Materials Inc. v. BOKF, NA (In re MPM Silicones, L.L.C.)*, 874 F.3d 787 (2d Cir. 2017)(plan did not violate absolute priority rule by partial payment to second lien holders with no distribution to subordinated noteholders when contractual ambiguities supported prioritization; senior lien noteholders were held not entitled to “make-whole premium;” appeal was not held equitably moot when it would not unravel the plan).

**4th Cir.** *Bate Land Co. LP v. Bate Land & Timber LLC (In re Bate Land & Timber LLC)*, 877 F.3d 188 (4th Cir. 2017 (partial dirt for debt plan could be crammed down when secured creditor receives indubitable equivalent, based on land’s highest and best use).

**9th Cir.** *JPMCC 2007-C1 v. Transwest Resort Props. Inc. (In re Transwest Resort Props., Inc.)*, 881 F.3d 724 (9th Cir. 2018)(cramdown requirement for chapter 11 plan requires only one accepting class based on a per-plan rather than a per-debtor basis in a jointly administered case).

**11 USC § 1325**

**7th Cir.** *Marshall v. Blake*, 885 F.3d 1065 (7th Cir. 2018)(earned income tax credits should be included in the income calculation and in the monthly distributions, but the refund does not have to be turned over to the trustee).

**TITLE 28 U. S. C.**

**28 USC § 158**

**2d Cir.** *Anderson v. Credit One Bank, N.A. (In re Anderson)*, 884 F.3d 382 (2d Cir. 2018)(in a core proceeding, court is allowed to determine that arbitration would create a severe conflict with Bankruptcy Code and override enforcement of Federal Arbitration Act).

**28 USC § 1334**

**2d Cir.** *SPV Osus Ltd. v. UBS AG*, 882 F.3d 333 (2d Cir. 2018)(claim need not be certain to be the basis for “related to” jurisdiction; contingent outcomes can satisfy the conceivable effects test).

**11th Cir.** *Estate of Jackson v. Schron (In re Fundamental Long Term Care, Inc.)*, 873 F.3d 1325 (11th Cir. 2017)(bankruptcy court had jurisdiction to permanently enjoin state court fraudulent conveyances claims that implicated bankruptcy estate and settlement).

## RULES OF BANKRUPTCY PROCEDURE

### RULE 1005

**8th Cir.** *Dahlin v. Lyondell Chem. Co.*, 881 F.3d 599 (8th Cir. 2018)(compliance with bankruptcy rules on notice may not be adequate to satisfy due process under particular circumstances of case; notice by publication held adequate despite not mentioning owner of facility when injury occurred more than 8 years prior to filing).

### RULE 1008

**7th Cir.** *In re Husain*, 866 F.3d 832 (7th Cir. 2017)(attorney’s misconduct in forging or copying clients’ signatures and submitting other dishonest pleadings was justifiably disbarred or permanently suspended).

### RULE 3001

**8th Cir.** *Sears v. Sears (In re Sears)*, 863 F.3d 973 (8th Cir. 2017)(claimant’s failure to include an “itemized” statement of interest is not by itself a reason to disallow claim; it only means that claim is not prima facie evidence of claim’s validity and amount).

### RULE 4003

**5th Cir.** *Hawk v. Engelhart (In re Hawk)*, 871 F.3d 287 (5th Cir. 2017)(party in interest cannot contest exemption after 30-day period allowed for objections).

### RULE 6004

**1st Cir.** *Mission Prod. Holdings, Inc. v. Old Cold LLC (In re Old Cold LLC)*, 879 F.3d 376 (1st Cir. 2018)(unsuccessful bidder received sufficient notice that chapter 11 debtor was seeking a waiver of the stay provided by FRBP 6004(h); unstayed asset sale to good faith purchaser under §363(m) was upheld).

### RULE 7052

**1st Cir.** *Development Specialists, Inc. v. Kaplan (In re Irving Tanning Co.)*, 876 F.3d 384 (1st Cir. 2017)(when appellant fails to move for additional fact finding under FRCP 52(b), case is not remanded due to lack of factual specificity if facts as found provide sufficient support for holdings).

### RULE 8002

**1st Cir.** *Sheedy v. Bankowski (In re Sheedy)*, 875 F.3d 740 (1st Cir. 2017)(court did not err in denying late filed notice of appeal based on counsel’s plea of excusable neglect due to his second job as a church music director during religious holidays).

**5th Cir.** *Dorsey v. U.S. Dept. of Educ. (In re Dorsey)*, 870 F.3d 359 (5th Cir.)attempting to bring in “undue hardship” ruling into a pending appeal on a prior student loan claims dispute was disallowed as lacking its own jurisdictionally required notice of appeal).

**RULE 8014**

**U.S.** *U.S. Bank Nat'l Ass'n v. Village at Lakeridge, LLC*, 138 S. Ct. 960 (2018)(bankruptcy court's conclusion that a question of claimant's non-statutory insider status for purposes of chapter 11 cramdown eligibility is subject to review only for clear error).

**RULE 9024**

**3d Cir.** *Baxter v. Bressman (In Re Bressman)*, 874 F.3d 142 (3d Cir. 2017)(federal courts have inherent power to vacate a fraudulently obtained judgment years after its entry; plaintiffs' attorney's defrauded the court into entering a default judgment).

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