

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CIVIL ACTION
: :
LARRY J. GRANOFF : :
: :
v. : (BKY NO. 05-33028)
: :
KRISTEN BIBUS : NO. 06-cv-02908-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

September 6, 2006

The Chapter 7 debtor in this case, Larry J. Granoff, has appealed from an Order of the Bankruptcy Court which determined that a personal injury claim asserted by Ms. Kristen Bibus in a pending state-court litigation is non-dischargeable under 11 U.S.C. § 523(a)(6), which exempts from discharge "any debt ... (6) for willful and malicious injury by the debtor to another entity or the property of another entity."

In the course of an argument at an engagement party, the debtor slapped Ms. Bibus' face, allegedly causing extensive injuries. Since it is undisputed that Mr. Granoff intended to strike Ms. Bibus, and that he acted in anger, it is clear that her claim is for willful and malicious injury, and is therefore exempt from discharge.

As noted by the Bankruptcy Judge, the merits of Ms. Bibus' claims will be determined in the state-court litigation. Nothing in the Bankruptcy Judge's ruling precludes the debtor from asserting that he did not cause all of the damages asserted

by Ms. Bibus. Indeed, the debtor will be free to assert any defenses which remain available notwithstanding his having been convicted and sentenced for third-degree assault as a result of the incident.

In short, I agree with the views expressed by the Bankruptcy Judge in his commendably comprehensive opinion. The Order appealed from will be affirmed.

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ORDER

AND NOW, this 6th day of September 2006, IT IS ORDERED:

1. The Order appealed from (the Order dated June 6, 2006) is AFFIRMED.
2. The debtor's motion for a stay is DISMISSED as moot.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.