

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)	
)	
JACK R. STEDMAN,)	CASE NO. BK95-82116
)	A95-8099
_____ DEBTOR(S))	CH. 7
)	
JACK R. STEDMAN,)	
)	
Plaintiff(s))	
vs.)	
)	
UNITED STATES OF AMERICA,)	
OFFICE OF PERSONNEL MANAGEMENT,)	
RALPH S. DANIELS, OPM AGENT,)	
HAROLD L. SIEGELMAN, OPM AGENT,)	
et al.,)	
_____ Defendant(s))	

MEMORANDUM

The Chapter 7 debtor, Jack R. Stedman, filed this adversary proceeding against United States of America Office of Personnel Management and two of its employees, Ralph S. Daniels and Harold L. Siegelman and against his former wife, Ivadelle L. Stedman, and her attorney, Donelle C. Morgan, and an attorney in California, Mark A. Erickson, who was appointed by the Superior Court in California as a Special Master to determine the rights of Mr. Stedman and the former Mrs. Stedman to his federal Civil Service Retirement benefits.

In the claims asserted against the former Mrs. Stedman and her attorney and Mr. Erickson, the plaintiff asserts that they conspired to obtain a California state court order directing the Office of Personnel Management to pay to Mrs. Stedman far more than she was entitled to from the plaintiff's retirement funds. He asserts that the state court orders are improper and not in compliance with federal law or regulation and that the actions taken by the named defendants to obtain the state court order and to enforce the state court order have caused him serious harm, including, but not limited to, destroying his practice as a certified public accountant, destroying second marriage, and forcing him into bankruptcy. He asks for significant damages from each of the named defendants in the California matter.

In those claims leveled against the United States of America, the plaintiff asks for injunctive relief and damages. He requests the court to enjoin the United States from honoring the

state court order directing the payment of a certain amount of the plaintiff's retirement benefits to his former spouse. He suggests that since the order is not in compliance with federal statutes or regulations, it should not be followed and its enforcement should be enjoined. He also requests the court to order the Office of Personnel Management of the United States to rescind certain regulations which he believes are not consistent with statutory authority and are invalid. Finally, he asks for damages against individual employees of the Office of Personnel Management who dealt with him by letter and denied his demands that they refuse to obey the state court order. He claims their actions have caused significant financial harm to him and asks for monetary damages.

The United States of America has been substituted for the Office of Personnel Management and the individual employees pursuant to federal statutory authority.

Various motions have been filed by the defendants. The motions will be dealt with in this order and a separate journal entry will be filed which deals with each particular motion.

The Chapter 7 trustee has abandoned any claim to this lawsuit as an asset which would benefit the estate.

1. Motion to Dismiss filed by defendant Mark A. Erickson and Notice of Motion Objecting to Dismissal filed by plaintiff, filings No. 11, 14.

Defendant Mark A. Erickson has filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b) on the ground that at the time of the events alleged in plaintiff's complaint, defendant Erickson was immune from any liability by a grant of judicial immunity.

Although the resistance suggests that the claim made by the plaintiff against defendant Erickson is based not only upon actions he took in his capacity as a special master appointed by the Superior Court in California, but upon actions that took place after Mr. Erickson's recommendation was made to the Superior Court judge, a review of the "Submission of More Definite Statement of Plaintiff's Complaints Consistent with Rule 10," Filing No. 34, (Supplement), concerning Count 3, Special Master, from pp. 36 through 39, causes this judge to believe there are no allegations of negligence or misdeeds occurring in anything other than the court-authorized matters.

Each of the allegations contained in Count 3 of the Supplement concerns actions taken at the time of the Special Master's appointment and in connection with the case for which he was appointed. Each of the allegations concerns litigation matters and decisions and recommendations made by Mr. Erickson that the plaintiff disagrees with. The appropriate procedure for

dealing with such disagreements is an appeal of any final court order that incorporates the recommendations made by Mr. Erickson.

The last allegation in Count 3, on p. 39, at paragraph E, concerns statements that Mr. Erickson allegedly made to the plaintiff concerning his intention to act in the future to the benefit or detriment of clients and persons other than the plaintiff. These statements, even if true, refer to a future action involving persons other than the plaintiff and cannot be the basis for a claim against Mr. Erickson by the plaintiff.

Under California law, judges and those acting to fulfil quasi-judicial functions have judicial immunity. Howard v. Drapkin, 222 Cal. App. 3d 843, 271 Cal. Rptr. 893 (1990); Taylor v. Mitzel, 82 Cal. App. 3d 665, 147 Cal. Rptr. 323 (1978). These cases stand for the proposition that judicial immunity bars any civil actions against a judge for acts performed in exercise of his judicial functions and applies to all judicial determinations, no matter erroneous or malicious or corrupt they may be.

That Erickson is protected by judicial immunity according the law of the state of California, as opposed to federal law, is of no consequence. State officials are not accorded a lesser degree of immunity by virtue of the fact that they are employed by state, rather than federal governments. See, Butz v. Economou, 438 U.S. 478, 504, 98 S. Ct. 2894, 2909, 57 L. Ed. 2d 895 (1978) ("[W]e deem it untenable to draw a distinction for purposes of immunity law between suits brought against state officials under [Sec.] 1983 and suits brought directly under the Constitution against federal officials . . . To create a system in which the Bill of Rights monitors more closely the conduct of state officials than it does that of federal officials is to stand the constitutional design on its head."); Jones v. Singer Career Sys., 584 F. Supp. 1253, 1257 (E.D. Ark. 1984) ("Just as federal agency hearing examiners and administrative law judges can claim absolute judicial immunity from damages when carrying out authorized adjudicatory functions, it appears that state agency hearing examiners and administrative law judges should enjoy similar insulation from liability when they carry out their adjudicatory acts.").

As noted above, from a review of the Supplement, the court finds that all of the actions complained of were performed in a judicial capacity within the jurisdiction of Mr. Erickson acting as Special Master on behalf of the Superior Court.

Therefore, Mr. Erickson is immune from this civil action and the motion to dismiss is granted.

2. Notice of Motion for More Definite Statement filed by defendant Ivadelle Stedman and Donelle Morgan, Filing No. 17.

Defendants Ivadelle L. Stedman and Donelle C. Morgan have

filed a motion for a more definite statement. Plaintiff responded by filing "Submission of More Definite Statement of Plaintiff's Complaints Consistent with Rule 10" Filing No. 34, (Supplement).

The court has reviewed the Supplement, Filing No. 34, and determines that it adequately provides information necessary for defendants to responsively plead or move. Therefore, the Motion for More Definite Statement is deemed moot and denied.

3. Notice of Motion to Strike Complaint filed by Ivadelle Stedman and Donelle Morgan and Response filed by plaintiff, Filings No. 18, 22.

The defendants Ivadelle Stedman and Donelle Morgan have filed a Motion to Strike the Complaint on the grounds that the complaint is replete with irrelevant, redundant, immaterial, impertinent and scandalous matter.

The Complaint has been supplemented by Filing No. 34, "Submission of More Definite Statement of the Plaintiff's Complaint Consistent with Rule 10," (Supplement).

It may be true that much of the detail contained in the Complaint and in the Supplement have little, if anything, to do with the bankruptcy case. Nonetheless, the plaintiff has provided extremely detailed information in the Supplement to permit both the parties and the court to determine whether a claim for relief has been stated. The appropriate remedy for dealing with assertions in the Complaint and Supplement which do not support a claim for relief on behalf of the plaintiff is a motion to dismiss, not a motion to strike.

The Motion to Strike is denied.

4. Motion for Default Judgements filed by plaintiff, Filing No. 49.

The plaintiff has filed a Motion for Default Judgement against each of the defendants. Grounds for such a motion are that the defendants did not further respond to plaintiff's Submission of More Definite Statement of Plaintiff's Complaints, (Supplement).

The Motion is overruled. Each of the defendants have pending motions to dismiss and are not required to respond to the Supplement until, and unless, the motions to dismiss are denied.

5. Motion for Transfer of Relief Sought to Appropriate Federal Court Jurisdiction filed by plaintiff, filing No. 52.

The plaintiff has moved the court for an order transferring this case to the appropriate federal court if this court finds it does not have jurisdiction.

The motion is denied. It is not the duty of this court to attempt to determine whether some other unit of the federal courts has either subject matter or personal jurisdiction.

6. Motion to Require U.S. Attorney to Properly Perform His Duties filed by plaintiff, filing No. 53.

The plaintiff has moved this court to order the Office of the United States Attorney to file criminal complaints against certain of the defendants.

The motion is denied. This court has no authority to order the office of the United States Attorney to file criminal charges.

7. Motion for In Forma Pauperis and for Court Appointed Attorney filed by plaintiff, filing No. 55.

The plaintiff has filed a motion requesting authority to proceed in this case in forma pauperis and requesting the court to appoint an attorney.

The motion is denied.

The debtor has already paid the fee, if any, for filing this adversary proceeding. There are no other fees which the debtor is required to pay. Therefore, proceeding in forma pauperis is unnecessary.

Appointment of counsel in a civil case is discretionary with the trial court. In re Lane, 801 F.2d 1040 (8th Cir. 1986). In determining whether counsel should be appointed for an indigent plaintiff, the court should consider (1) the factual complexity of the case, (2) the ability of an indigent to investigate the facts, (3) the existence of conflicting testimony, (4) the plaintiff's ability to present his claims, and (5) the complexity of the legal issues. Id. at 1043-44 (citing Johnson v. Williams, 788 F.2d 1319 (8th Cir. 1986)). In addition, the court should consider the plaintiff's ability to obtain counsel on his own and the "marketability" of his claims, that is, the determination of whether the litigant's failure to obtain counsel is attributable to indigence or to other factors activated in the marketplace but unrelated to indigence. Bothwell v. Republic Tobacco Co., 912 F. Supp. 1221, 1235-36 (D. Neb. 1993). However, these factors are not an exclusive list, and the weight to be given any one factor will vary with the case. In re Lane, 801 F.2d at 1044.

After a thorough review of all of the pleadings in this case and the various motions and responses, the court is convinced that it lacks jurisdiction and that the case should be dismissed. By separate order, the case is being dismissed. Appointment of counsel at this time is inappropriate.

8. Motion to Dismiss filed by the United States of America,

filing No. 43.

The United States of America has filed a motion to dismiss. The United States of America acting through the Office of Personnel Management and as the substituted defendant in place of Ralph S. Daniels and Harold L. Siegelman, individual employees of the Office of Personnel Management, assert that this bankruptcy court lacks subject matter jurisdiction and asserts that the plaintiff has failed to exhaust administrative remedies. Dismissal of the action against the United States of America is requested under either alternative legal theory.

This adversary proceeding was brought against the United States of America Office of Personnel Management and Ralph S. Daniels and Harold L. Siegelman, employees of the United States Office of Personnel Management. The United States, at Filing No. 40, filed a "Notice of Substitution" substituting the United States of America for each of the named defendants. That Notice of Substitution was sufficient to place the United States of America as the sole defendant concerning any allegations against the Office of Personnel Management or the individual employee.

The Civil Service Reform Act of 1978 (CSRA), Public Law 95-454 (Oct. 13, 1978) defines three categories of personnel actions and the appeal rights afforded in each action. The complaint filed by the plaintiff in this case requests injunctive relief and damages concerning personnel matters affecting the plaintiff, a retired federal employee. The CSRA does not provide for such actions and does not provide that the federal courts have jurisdiction over such actions. Instead, the CSRA provides for administrative resolution of the type of complaints brought in this adversary proceeding. Carduci v. Reagan, 714 F.2d 171, 175 (D.C. Cir. 1983). Accord: Ryon v. O'Neal, 894 F.2d 199, 202-04 (6th Cir. 1990) and McIntosh v. Turner, 861 F.2d 524 (8th Cir. 1988). See also Premachandra v. United States, 739 F.2d 392, 393-94 (8th Cir. 1984).

Since there is an administrative remedy and since there is no specific authority in the statute for the federal courts to entertain actions such as that brought by this plaintiff, the court lacks subject matter jurisdiction.

In addition, and alternatively, the plaintiff has an administrative remedy for adverse personnel actions. The plaintiff has, by this adversary proceeding, attacked the validity of three regulations which have been interpreted and applied by the Office of Personnel Management and which the plaintiff claims have caused all of his financial problems. Section 838.136(b)(1) of Title 5, Code of Federal Regulations, provides any challenge to the validity of such regulations are appealable to the Merit Systems Protection Board. Section 838.136(b)(2) requires that any such challenge be presented to the Merit Systems Protection Board before the validity of the regulation may be reviewed in the

federal courts.

Plaintiff has not presented the issue to the Merit Systems Protection Board and asserts that he is not required to.

The United States Supreme Court has ruled that a federal employee is required to exhaust administrative remedies prior to having such issues reviewed in federal court. See United States v. Fausto, 404 U.S. 439, 108 S. Ct. 668, 98 L. Ed. 2d 830 (1988); Lindhahl v. OPM, 470 U.S. 768, 105 S. Ct. 1620, 84 LEd 2d 674 (1985).

The plaintiff has failed to exhaust his administrative remedies and, therefore, this adversary proceeding against the United States is procedurally barred.

The motion to dismiss brought by the United States of America is granted.

9. Motion to Dismiss filed by Ivadelle Stedman and Donelle Morgan and Response, filings No. 19 and 22.

The matters raised in the complaint concern, for the most part, issues of fact and questions of law which have previously been litigated and determined by a court of competent jurisdiction, the Superior Court in California.

No claims have been filed in this bankruptcy case. Ivadelle Stedman has filed what she identifies as a crossclaim, Filing No. 26. That crossclaim requests no monetary relief against the estate, but seeks only a determination of nondischargeability of the obligations imposed upon the plaintiff/debtor by the Superior Court of California.

The "Petition for Injunctive Relief and Damages" filed by the plaintiff in this case is not a core proceeding. There is not one assertion in either the original petition or in the Supplement, Filing No. 34, that deals with any of the matters listed as core proceedings under 28 U.S.C. § 157(c)(2). The trustee has determined that the estate has been fully administered and has abandoned, as having no value to the estate, any claim by Mr. Stedman in this action. This adversary proceeding, therefore, does not involve administration of the estate (§ 157(b)(2)(A)). No claims were filed in this bankruptcy case and, therefore, this action does not deal with allowance or disallowance of claims against the estate. (§ 157(b)(2)(B)). No claims were filed in this case so this adversary proceeding does not deal with a counterclaim by the estate against a person filing a claim against the estate. (§ 157(b)(2)(C)) This adversary proceeding does not deal with orders with respect to obtaining credit (§ 157(b)(2)(D)) or turnover of property of the estate (§ 157(6)(2)(E)) or proceedings to determine, avoid, or recover preferences (§ 157(b)(2)(F)). This adversary proceeding does not deal with

motions to terminate, annul or modify the automatic stay (§ 157(b)(2)(G)) or to avoid or recover fraudulent conveyances. (§ 157(b)(2)(H)).

Mr. Stedman suggests that the fact that the state court order requires the United States of America to divide his retirement benefits with Mrs. Stedman is the equivalent of a fraudulent conveyance. However, that order was obtained in a court proceeding and it is a final order subject, perhaps, to appeal. The appropriate forum for such appeal is not the bankruptcy court.

The complaint does not request a determination as to the dischargeability of a particular debt, (§ 157(b)(2)(I)) although the counterclaim filed by Mrs. Stedman does. That counterclaim is a core proceeding and is to be evaluated separately from the allegations in the original petition. None of the other subsections of 28 U.S.C. § 157(b)(2) are applicable to allegations in the Petition and the Supplement.

None of the claims asserted by the plaintiff arose in or are related to the Chapter 7 case. All of the claims are personal to Mr. Stedman and most of them have already been litigated in the state courts of California. His assertions of conspiracies and inappropriate activities by Ivadelle Stedman and her attorney all concern the dissolution action and the final determination by the Superior Court concerning the division and distribution of the Civil Service Retirement benefits. None of them have anything to do with the bankruptcy case. In order for an adversary proceeding to be defined as a related proceeding as that term is used in 28 U.S.C. § 157(b)(3), the outcome of the adversary proceeding must have some effect on the bankruptcy estate. Dogpatch Properties, Inc. V. Dogpatch U.S.A., Inc. (In re Dogpatch U.S.A., Inc.), 810 F.2d 782 (8th Cir. 1987). However, as noted above, the trustee has deemed the estate fully administered and has abandoned any claims of the debtor. Therefore, no matter what the resolution of the claims of Mr. Stedman, the benefit, if any, would accrue to him personally and not to the estate.

The adversary proceeding is not a proceeding related to a case under Title 11. It has absolutely nothing to do with the bankruptcy case, except for the fact that Mr. Stedman is a debtor in such a case and has filed the adversary complaint.

There is no separate jurisdictional basis for this action in the bankruptcy court. Neither the initial petition nor the Supplement, filing No. 34, raised any separate federal law issues.

The California state courts had and still may have subject matter jurisdiction concerning the rights of the plaintiff and his former spouse in the dissolution of marriage action, including each party's right to a portion of the plaintiff's Civil Service Retirement payments. If a state court has subject matter

jurisdiction and exercises that jurisdiction, the Supreme Court of the United States has determined, on more than one occasion, that lower federal courts do not have subject matter jurisdiction over challenges to state court decisions and judicial proceedings. Rooker v. Fidelity Trust Co., 236 U.S. 413, 416, 44 S. Ct. 149, 150, 68 L.Ed. 362 (1923), and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476, 103 S. Ct. 1303, 1311, 75 L.Ed. 2d 206 (1983). These cases have been referred to in judicial shorthand as the Rooker-Feldman doctrine. A recently decided 8th Circuit Court of Appeals decision, Goetzman v. Agri-bank (In re Goetzman), No. 95-3470, 1996 WL 442074 (8th Cir. Aug. 7, 1996), describes the policy of the Rooker-Feldman doctrine as follows:

Under the Rooker-Feldman doctrine, lower federal courts lack jurisdiction to engage in appellate review of state court determinations. Keene Corp. V. Cass, 908 F.2d 293, 296 (8th Cir. 1990) (citations omitted). Although the state and federal claims may not be identical, impermissible appellate review may occur when a federal court is asked to entertain a claim that is "inextricably intertwined" with the state court judgment. Id.

[T]he federal claim is inextricably intertwined with the state-court judgment if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it. Where federal relief can only be predicated upon a conviction that the state court was wrong, it is difficult to conceive the federal proceeding as, in substance, anything other than a prohibited appeal of the state-court judgment.

Id. At 296-97, citing Pennzoil Co. V. Texaco, Inc., 481 U.S. 1, 25, 107 S. Ct. 1519, 1533, 95 L.Ed. 2d 1 (1987) (Marshall, J., concurring).

Id. At *7-8.

Since, in this case, the plaintiff can only obtain relief that the plaintiff desires if the federal court would determine that the state court allocation of federal Civil Service Retirement payments were wrong, this adversary proceeding can only be construed as a prohibited appeal of the state court proceedings. This court does not have subject matter jurisdiction under the Rooker-Feldman doctrine.

For the above-listed reasons, the adversary complaint (Petition) and those claims included therein against Ivadelle L. Stedman and Donelle C. Morgan are dismissed.

10. Cross Complaint for Nondischargeability, filing No. 16.

Ivabelle L. Stedman has filed a cross complaint requesting the court to determine that the obligations of the debtor as determined by the California state court are nondischargeable under 11 U.S.C. § 523(a)(15) as a property division in the state court dissolution action.

This cross complaint is a core proceeding under 28 U.S.C. § 157(c)(2)(I). The cross complaint was filed on April 9, 1996, which was within sixty days of the first date scheduled for the meeting of creditors, February 9, 1996. Therefore, the cross complaint is timely filed.

The debtor is granted until October 1, 1996, to file an answer to the Cross Complaint for Nondischargeability. That answer must be limited to issues appropriate to the nondischargeability of a property division. Based on the other rulings in this adversary proceeding, the court cautions the debtor not to attempt to relitigate the state court division of the retirement benefits in his answer to the cross complaint. The only issues relevant to the cross complaint are those which are specifically listed in 11 U.S.C. § 523(a)(15).

If an answer is filed, the Clerk of the Bankruptcy Court shall deliver the file to this judge for a review of the adequacy of the answer. If this judge deems the answer adequate to permit the case to proceed, a preliminary pretrial statement will be ordered. After the filing of the preliminary pretrial statement or statements, this matter will be scheduled for trial on the limited issues concerning the dischargeability of the obligation of the debtor incurred as a result of determination of the division of the retirement benefits.

If no answer is timely filed or if the answer that is filed is not responsive to the cross complaint, a judgment of nondischargeability will be entered without further hearing.

See separate journal entries entered this date.

DATED: August 12, 1996.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

Copies faxed by the Court to:
Philip Kelly 308-635-1387

Lisa Herrick 408-279-3244
Laurie Barrett 221-4839
Susan Knight 402-437-5390

Copies mailed by the Court:

Mark V. Isola, Binder & Malter, 1700 The Alameda, Third
Floor, San Jose, CA 95126

Jack R. Stedman, 404 West Elm Street, P.O. Box 695,
Lexington, NE 68850
United States Trustee

Movant (*) is responsible for giving notice of this journal entry to all other parties (that are not listed above) if required by rule or statute.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)	
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JACK R. STEDMAN)	CASE NO. BK95-82116
DEBTOR)	A95-8099
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JACK R. STEDMAN,)	
)	CH. 7
Plaintiff)	
vs.)	
OFFICE OF PERSONNEL MANAGEMENT,)	
(OPM), RALPH S. DANIELS, OPM AGENT)	
HAROLD L. SIEGELMAN, OPM AGENT)	
IVADELLE L. STEDMAN,)	File No. 11, 14
DONELLE C. MORGAN,)	
MARK A. ERICKSON,)	
)	<u>JOURNAL ENTRY</u>
Defendant)	

Regarding: **Motion to Dismiss Adversary Proceeding** filed by **Mark A. Erickson, Defendant**, and **Objection** filed by **Jack R. Stedman, Plaintiff**.

IT IS ORDERED:

The motion to dismiss is granted.

DATED: August 12, 1996

BY THE COURT:

/s/Timothy J. Mahoney
Timothy J. Mahoney
Chief Judge

Copies faxed by the Court to:

Philip Kelly 308-635-1387
Lisa Herrick 408-279-3244
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

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)	CH. 7
JACK R. STEDMAN,)	Filing No. 17
Plaintiff(s))	
vs.)	
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OFFICE OF PERSONNEL MANAGEMENT(OPM))	
RALPH S. DANIELS, OPM AGENT,)	<u>JOURNAL ENTRY</u>
HAROLD L. SIEGELMAN, OPM AGENT,)	
IVADELLE L. STEDMAN,)	
DONELLE C. MORGAN,)	
MARK A. ERICKSON,)	DATED: August 12, 1996
_____ Defendant(s))	

Before a United States Bankruptcy Judge for the District of Nebraska regarding Notice of Motion for More Definite Statement filed by Ivadelle Stedman and Donelle Morgan.

Motion for More Definite Statement is denied.

BY THE COURT:

/s/Timothy J. Mahoney
Timothy J. Mahoney
Chief Judge

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UNITED STATES BANKRUPTCY COURT
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) A95-8099

DEBTOR(S))
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RALPH S DANIELS, OPM AGENT) JOURNAL ENTRY
HAROLD L. SIEGELMAN, OPM AGENT,)
IWADELLE L. STEDMAN,)
DONELLE C. MORGAN,)
MARK A. ERICKSON,)

Defendant(s)) DATE: August 12, 1996

Before a United States Bankruptcy Judge for the District of Nebraska regarding Notice of Motion to Strike Complaint and Response.

Motion to Strike is denied.

BY THE COURT:

/s/Timothy J. Mahoney
Timothy J. Mahoney
Chief Judge

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vs.)	
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OFFICE OF PERSONNEL MANAGEMENT)	
(OPM), RALPH S. DANIELS, OPM)	<u>JOURNAL ENTRY</u>
AGENT, HAROLD L. SIEGELMAN,)	
OPM AGENT, IVADELLE L. STEDMAN,)	
DONELLE C. MORGAN, MARK A.)	
ERICKSON,)	DATE: August 12, 1996
<u>Defendant(s)</u>)	

Before a United States Bankruptcy Judge for the District of Nebraska regarding Motion for Default Judgements.

Motion is overruled.

BY THE COURT:

/s/Timothy J. Mahoney
Timothy J. Mahoney
Chief Judge

Copies faxed by the Court to:
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UNITED STATES BANKRUPTCY COURT
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DEBTOR(S)) CH. 7
) Filing No. 52
JACK R. STEDMAN,)
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Plaintiff(s))
vs.)
)
) JOURNAL ENTRY
UNITED STATES OF AMERICA)
OFFICE OF PERSONNEL MANAGEMENT) DATED: August 12, 1996
(OPM), RALPH S. DANIELS, OPM AGENT)
HAROLD L. SIEGELMAN, OPM AGENT)
IWADELLE L. STEDMAN,)
DONELLE C. MORGAN,)
MARK A. ERICKSON,)

Defendant(s))

Upon the filing of **Motion for Transfer of Relief Sought to Appropriate Federal Court Jurisdiction** by plaintiff.

IT IS ORDERED:

The motion is denied.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

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UNITED STATES OF AMERICA)
OFFICE OF PERSONNEL MANAGEMENT)
(OPM), RALPH S. DANIELS, OPM AGENT)
HAROLD L. SIEGELMAN, OPM AGENT) DATE: August 12, 1996
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DONELLE C. MORGAN,)
MARK A. ERICKSON,)
_____) Defendant(s))

Upon the filing of **Motion to Require U.S. Attorney to Properly Perform His Duties** filed by plaintiff.

IT IS ORDERED:

The motion is denied.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

Copies faxed by the Court to:
Philip Kelly 308-635-1387
Lisa Herrick 408-279-3244
Laurie Barrett 221-4839
Susan Knight 402-437-5390

Copies mailed by the Court:
Mark V. Isola, Binder & Malter, 1700 The Alameda,
Third Floor, San Jose, CA 95126
Jack R. Stedman, 404 West Elm Street, P.O. Box 695,
Lexington, NE 68850
United States Trustee

Movant (*) is responsible for giving notice of this journal entry to all other parties (that are not listed above) if required by rule or statute.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
)
JACK R. STEDMAN,) CASE NO. BK95-82116
) A95-8099

DEBTOR(S)) CH. 7
) Filing No. 55
JACK R. STEDMAN,)
)
)
Plaintiff(s))
vs.)
)
) JOURNAL ENTRY
UNITED STATES OF AMERICA)
OFFICE OF PERSONNEL MANAGEMENT)
(OPM), RALPH S. DANIELS, OPM AGENT) DATE: August 12, 1996
HAROLD L. SIEGELMAN, OPM AGENT)
IWADELLE L. STEDMAN,)
DONELLE C. MORGAN,)
MARK A. ERICKSON,)

Defendant(s))

Upon the filing of **Motion for In Forma Pauperis and for Court Appointed Attorney** filed by plaintiff.

IT IS ORDERED:

The motion is denied.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

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Lisa Herrick 408-279-3244
Laurie Barrett 221-4839
Susan Knight 402-437-5390

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Lexington, NE 68850
United States Trustee

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
)
JACK R. STEDMAN,) CASE NO. BK95-82116
) A95-8099
_____) DEBTOR(S)) CH. 7
) Filing No. 43
JACK R. STEDMAN,)
)
)
) Plaintiff(s))
vs.)
)
) JOURNAL ENTRY
UNITED STATES OF AMERICA)
OFFICE OF PERSONNEL MANAGEMENT)
(OPM), RALPH S. DANIELS, OPM AGENT) DATE: August 12, 1996
HAROLD L. SIEGELMAN, OPM AGENT)
IWADELLE L. STEDMAN,)
DONELLE C. MORGAN,)
MARK A. ERICKSON,)
_____) Defendant(s))

Upon the filing of **Motion to Dismiss** filed by the **United States of America**.

IT IS ORDERED:

The motion is granted.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

Copies faxed by the Court to:
Philip Kelly 308-635-1387
Lisa Herrick 408-279-3244
Laurie Barrett 221-4839
Susan Knight 402-437-5390

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Third Floor, San Jose, CA 95126
Jack R. Stedman, 404 West Elm Street, P.O. Box 695,
Lexington, NE 68850
United States Trustee

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
)
JACK R. STEDMAN,) CASE NO. BK95-82116
) A95-8099
)

DEBTOR(S)) CH. 7
) Filing No. 19, 22
JACK R. STEDMAN,)
)
Plaintiff(s))
vs.)
)
) JOURNAL ENTRY
UNITED STATES OF AMERICA)
OFFICE OF PERSONNEL MANAGEMENT)
(OPM), RALPH S. DANIELS, OPM AGENT)
HAROLD L. SIEGELMAN, OPM AGENT) DATE: August 12, 1996
IVADELLE L. STEDMAN,)
DONELLE C. MORGAN,)
MARK A. ERICKSON,)

Defendant(s))

Upon the filing of **Motion to Dismiss** filed by **Ivadelles Stedman and Donelle Morgan and Response**.

IT IS ORDERED:

The adversary complaint and those claims included therein against Ivadelle L. Stedman and Donelle C. Morgan are dismissed.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

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Philip Kelly 308-635-1387
Lisa Herrick 408-279-3244
Laurie Barrett 221-4839
Susan Knight 402-437-5390

Copies mailed by the Court:
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Third Floor, San Jose, CA 95126
Jack R. Stedman, 404 West Elm Street, P.O. Box 695,
Lexington, NE 68850
United States Trustee

Movant (*) is responsible for giving notice of this journal entry to all other parties (that are not listed above) if required by rule or statute.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)
)
JACK R. STEDMAN,) CASE NO. BK95-82116
) A95-8099
)

DEBTOR(S)) CH. 7
) Filing No. 16
)
JACK R. STEDMAN,)
)
)
Plaintiff(s))
)
vs.)
)
) JOURNAL ENTRY
)
UNITED STATES OF AMERICA)
OFFICE OF PERSONNEL MANAGEMENT)
(OPM), RALPH S. DANIELS, OPM AGENT) DATE: August 12, 1996
HAROLD L. SIEGELMAN, OPM AGENT)
IVADELLE L. STEDMAN,)
DONELLE C. MORGAN,)
MARK A. ERICKSON,)

Defendant(s))

Upon the filing of **Cross Complaint for Nondischargeability.**

IT IS ORDERED:

The debtor is granted until October 1, 1996, to file an answer to the Cross Complaint for Nondischargeability.

BY THE COURT:

/s/Timothy J. Mahoney
Chief Judge

Copies faxed by the Court to:
Philip Kelly 308-635-1387
Lisa Herrick 408-279-3244
Laurie Barrett 221-4839
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Lexington, NE 68850
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