

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

EARL JAMES FRITCHMAN and  
PATRICIA ANN FRITCHMAN,

DEBTORS

RON SPRY,

Plaintiff

vs.

EARL JAMES FRITCHMAN,

Defendant

and

JAMES HASWELL,

Plaintiff

vs.

EARL JAMES FRITCHMAN,

Defendant

CASE NO. BK80-66

A80-81

A80-80

MEMORANDUM OPINION

These cases involve nondischargeable debts under 11 U.S.C. §523(a)(6). As both debts arose out of the same incident, the cases were consolidated for trial. The debtor participated in the proceedings up to the submission of a pretrial order, but failed to appear for trial. Plaintiffs' motion for default judgment was denied and plaintiffs presented evidence concerning the basis for their claims and the amount of damages.

Plaintiffs' claims arose on October 20, 1978, when the debtor participated in an intentional assault upon plaintiffs. Debtor's role in the assault consisted of holding the plaintiffs at gunpoint while the debtor's companion struck and kicked them. The plaintiff James Haswell received a cracked bone under one eye. He incurred medical expenses totalling \$93.00 and was in pain for approximately two weeks. The plaintiff Ronald Spry received substantial injuries to his face and jaw, culminating in the removal of several teeth. He has already incurred \$915.00 in medical expenses and will need to spend approximately \$1500.00 more for the installation of a permanent bridge. Mr. Spry was in severe pain following the incident for about two months.

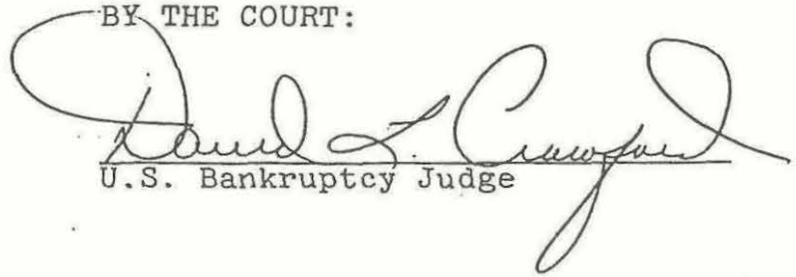
I find that plaintiffs' claims against the debtor are nondischargeable in this proceeding. I further find that the

plaintiff James Haswell has sustained damages of \$3000.00 and that the plaintiff Ronald Spry has sustained damages of \$10,000.00 and that judgment in those amounts should be entered against the debtor.

A separate judgment is entered in accordance with the foregoing.

DATED: September 10, 1980.

BY THE COURT:

  
U.S. Bankruptcy Judge

Copies mailed to each of the following:

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