


The Cutting Edge
Hot Topics in Consumer Bankruptcy Law
Tara Twomey



FDCPA/Bankruptcy
Johnson v. Midland Funding, No. 16-348 (U.S.)
scheduled for oral argument mid-January

Causes of Action
In re Swift, 198 B.R. 927 (Bankr. W.D. Tex. 1996)
Tyler v. DH Capital Mgmt, Inc., 736 F.3d 455 (6th Cir. 2013)
In re Segura, 2016 WL 829830 (Bankr. N.D. Ohio Mar. 2, 2016)
In re Neidori, 534 B.R. 369 (B.A.P. 9th Cir. 2015)

Judicial Estoppel

Jones v. Bob Evans Farms, Inc., 811 F.3d 1030 (8th Cir. 2016)
VPSI, Inc. v. Padula, 651 Fed. Appx. 228 (4th Cir. 2016)
Slater v. U.S. Steel Corp., No. 12-15548 (11th Cir. en banc)

Chapter 13

Failure to make direct secured creditor payments
Surrender and vest v. dirt-for-debt
Anti-modification and escrow accounts.

Means Test

In re Jackson, 537 B.R. 238 (Bankr. E.D.N.C. 2015)
In re Wilkerson, 2015 WL 3935259

Statement of Intentions

In re Failla, 838 F.3d 1170 (11th Cir. 2016).
In re Ryan, 2016 WL 6102312 (Bankr. D. Haw.).

Homestead Exemptions

In re Ayobami, 2016 WL 828743 (Bankr. S.D. Tex. 2015), appeal pending No. 16-20589 (5th Cir.)
Burke v. Jahn, No. 16-6603 (6th Cir.), appeal pending
Brown v. Ellman, No. 16-1967 (6th Cir.), appeal pending

Fair Credit Reporting Act