

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:)	
)	
HAROLD P. KEOGH, and)	Case No. 12-46330-705
DEBRA A. KEOGH,)	Judge Kathy A. Surratt-States
)	Chapter 7
Debtors.)	
)	
FLEMING MANUFACTURING)	Adversary No. 12-4294-659
COMPANY, INC.,)	
)	
Plaintiff,)	PUBLISHED
)	
-v-)	
)	
HAROLD P. KEOGH, and)	
DEBRA A. KEOGH,)	
)	
Defendants.)	

ORDER

The matters before the Court are Plaintiff's Amended and Restated Complaint for Determinaiton [sic] of Dischargeability of Debt or, In The Alternative, Denial of Discharge (hereinafter "Amended and Restated Complaint"), Plaintiff's Motion for Taxation of Costs and Plaintiff's Submission of Attorneys Fees and Costs. For the reasons set forth in the Court's Findings of Fact and Conclusions of Law entered separately in this matter,

IT IS ORDERED THAT the relief requested in Count I of Plaintiff's Amended and Restated Complaint to deny dischargeability pursuant to Section 523(a)(2)(A) is **DENIED**; and

IT IS FURTHER ORDERED THAT the relief requested in Count II of Plaintiff's Amended and Restated Complaint to deny dischargeability pursuant to Section 523(a)(2)(B) is **DENIED**; and

IT IS FURTHER ORDERED THAT the relief requested in Count III of Plaintiff's Amended and Restated Complaint is **GRANTED IN PART** in that Plaintiff's request to deny dischargeability pursuant to Section 523(a)(4) is **GRANTED** as to Debtor, Debra A. Keogh only and judgment is

entered in favor of Plaintiff, Fleming Manufacturing Company, Inc. and against Debtor, Debra A. Keogh only in that the debt for damages owed by Debtor, Debra A. Keogh is not dischargeable pursuant to Section 523(a)(4) and **DENIED IN PART** in that the relief requested as to Debtor, Harold P. Keogh is **DENIED**; and

IT IS FURTHER ORDERED THAT the relief requested in Count IV of Plaintiff's Amended and Restated Complaint to deny dischargeability pursuant to Section 523(a)(6) is **DENIED**; and

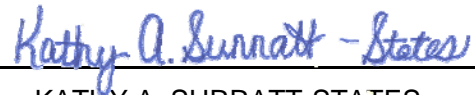
IT IS FURTHER ORDERED THAT the relief requested in Count V of Plaintiff's Amended and Restated Complaint to deny discharge pursuant to Section 727(a)(3) is **DENIED**; and

IT IS FURTHER ORDERED THAT the request for damages in Plaintiff's Amended and Restated Complaint is **GRANTED IN PART** in that damages in the amount of \$172,774.43 are awarded in favor of Plaintiff, Fleming Manufacturing Company, Inc. and against Debtor, Debra A. Keogh only and **DENIED IN PART** in that the relief requested as to Debtor, Harold P. Keogh is **DENIED**; and

IT IS FURTHER ORDERED THAT the Plaintiff's request for taxation of cost in Movant/Plaintiff Fleming Manufacturing Company, Inc.'s Motion for Taxation of Cost is **GRANTED** and deposition expenses of \$1,021.20 in accordance with U.S.C. §1920(2) are taxed to Debtor, Debra A. Keogh; and

IT IS FURTHER ORDERED THAT the Plaintiff's request for attorneys fees in Plaintiff's Submission of Attorneys Fees and Costs is **DENIED**; and

IT IS FURTHER ORDERED THAT judgment for damages and cost in the total amount of \$173,795.63 is entered in favor of Plaintiff, Fleming Manufacturing Company, Inc. and against Debtor, Debra A. Keogh only and said judgment is **NOT DISCHARGEABLE** as to Debtor, Debra A. Keogh only pursuant to 11 U.S. C. § 523(a)(4); and this is the final judgment and Order of this Bankruptcy Court in this case.



KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: April 30, 2014
St. Louis, Missouri

Copies to:

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