

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

| | | |
|-------------------------------|---|----------------------|
| In re: Marta Rinaldi Carlson, |) | |
| Debtor |) | |
| |) | Case No. 18-CH7-XXXX |
| |) | |
| |) | Chapter 7 |
| |) | |

MOTION FOR ORDER OF CONTEMPT FOR VIOLATION OF AUTOMATIC STAY
AND FOR DAMAGES

Debtor, Marta Rinaldi Carlson, by and through counsel and pursuant to 11 U.S.C. §362, moves the court to find creditor Pine Ridge Nursing Home (the Nursing Home) in contempt of the automatic stay of §362 and to award debtor her actual damages including her attorney fees and costs of this motion pursuant and punitive damages for the willful violation of the automatic stay pursuant to §362(k).

In support of this motion debtor would show that on May 21, 2018 the Nursing Home filed suit against her in the Circuit Court of Ramsey County, Minnesota being civil action CV-65111 to collect on a guaranty agreement between debtor and the nursing home. That lawsuit was pending when debtor filed her petition in this case on June 6, 2018. The Nursing Home was provided prompt notice of the filing of the petition. Thereafter, on June 20, 2018 the Nursing Home caused a motion for summary judgment to be filed in the civil action in willful violation of the stay.

Wherefore, debtor prays that the court declare the Nursing Home in contempt of the automatic stay and award her actual damages to be shown to the court at hearing on this matter and punitive damages for willful violation in an amount to be decided by the court.

/s/ Carolyn A. Thomas
Carolyn A. Thomas,
Attorney at Law
9211 Court Street, Suite A
Roseville, MN 55113
Bar No. XX-1234

CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Order of Contempt for Violation of Automatic Stay and for Damages was served upon [names and addresses of each person or entity served omitted from illustration] by first class United States mail, hand-delivery, or electronic mail on June 27, 2018.

/s/ Carolyn A. Thomas
Carolyn A. Thomas,
Attorney at Law
9211 Court Street, Suite A
Roseville, MN 55113
Bar No. XX-1234

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re: Marta Rinaldi Carlson,
Debtor

)
)
)
)
)
)

Case No. 18-CH7-XXXX

Chapter 7

NOTICE OF FILING OF MOTION FOR ORDER OF CONTEMPT
FOR VIOLATION OF AUTOMATIC STAY
AND FOR DAMAGES

NOTICE is hereby given that on June 27, 2018 the debtor filed a Motion for Order of Contempt for Violation of Automatic Stay and for Damages. A copy of the motion is attached.

The court will conduct a hearing on said motion at 9 a.m. on the 11th day of July, 2018 at the United States Bankruptcy Court, Room 301 of the Federal Building in St. Paul, Minnesota before the Honorable Cynthia H. Parks.

This notice is being provided by electronic filing or by United States mail, first class to all parties in interest this 27th day of June, 2018.

Clerk of the United States
Bankruptcy Court for the
District of Minnesota