

**UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY**

IN RE:)
)
JAMES T. CORNETT) CASE NO.: 08-33730(1)(7)
)
)
_____ Debtor(s))

MEMORANDUM-OPINION-ORDER

This matter is before the Court on the Amended Motion for Sanctions filed by Beverly Lewis (“Lewis”) against Debtor James Tyne Cornett, Jr. (“Debtor”). The Court considered Lewis’ Motion, the Response of the Debtor and Lewis’ and counsel for Debtor’s comments at the hearing held on the matter. For the following reasons, the Court will **DENY** the Motion.

Lewis is the former spouse of the Debtor. The divorce between Debtor and Lewis was highly contested in Oldham Circuit Court under Case No. 07-CI-00986. The matter was eventually settled with the filing of an Agreed Order entered by the Honorable Timothy Feeley on November 12, 2008. Debtor’s bankruptcy and treatment of his property in the bankruptcy were set forth in the Agreed Order which Lewis signed.

Lewis through the Amended Motion for Sanctions now requests this Court to declare the State Court settlement *void ab initio* and to sanction the Debtor for failing to provide full disclosure regarding his property.

The Trustee of Debtor’s estate appeared at the hearing and indicated that he had thoroughly investigated the assets of the estate and abandoned any property not sold to the Debtor.

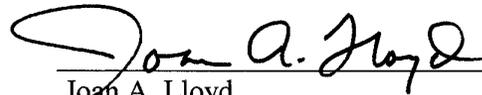
Lewis was listed on Debtor’s Bankruptcy Petition, but she did not timely file a Proof of Claim in this bankruptcy matter.

The Amended Motion for Sanctions states no new evidence and is merely an attempt to relitigate issues previously decided in the State Court divorce proceeding. Lewis attempted on several occasions to modify the Agreed Order settling the State Court action without success. Those matters are now *res judicata* and cannot be relitigated by this Court.

Furthermore, it is clear to the Court that there are no assets to be distributed to Lewis from the estate by this Court. For this reason along with those stated above, there is no merit to the Amended Motion for Sanctions.

The Court being duly advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Amended Motion for Sanctions filed by Beverly Lewis against Debtor James Tyne Cornett, Jr., be and hereby is, **DENIED.**



Joan A. Lloyd

United States Bankruptcy Judge

Dated: March 14, 2011