

**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 Motion for Sanctions against Beverly Lewis filed by Debtor James Tyne Cornett, Jr. The Court considered the Debtor's Motion, Lewis' comments and the comments of counsel for the Debtor at the hearing held on the matter. For the following reasons, the Court will **DENY** the Motion.

The Debtor filed his Voluntary Petition seeking relief under Chapter 7 of the United States Bankruptcy Code on August 25, 2008. Although Lewis received notice regarding the filing of the bankruptcy and was listed on the Petition, she failed to timely file a proof of claim.

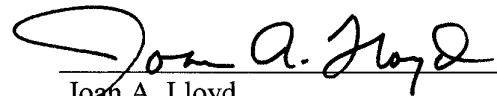
Lewis is the former spouse of the Debtor. The divorce was highly contested in Oldham Circuit Court under Case No. 07-CI-00986. The matter was settled in that case by entry of an Agreed Order signed by the Honorable Timothy Feeley on November 12, 2008. Debtor's bankruptcy and the treatment of his property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

Lewis filed numerous motions in the State Court action attempting to modify the Agreed Order, all of which were unsuccessful. Debtor now seeks sanctions against Lewis for the filing of her Motions in this bankruptcy proceeding attempting to relitigate the issues previously decided by the State Court in the divorce action.

The Court is sympathetic to the Debtor's frustration caused by Lewis' numerous attempts to relitigate and/or modify the Agreed Order in the State Court divorce proceedings. However, while Lewis' efforts were not successful in State Court or before this Court, the Court does not find that Lewis' motions have yet risen to the level of frivolous or sanctionable. If they continue, however, the Court will not view them in a favorable light. Accordingly, the Court will **DENY** Debtor's Motion to have sanctions awarded against Lewis.

The Court being duly advised in the premises,

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

A handwritten signature in black ink, reading "Joan A. Lloyd", written over a horizontal line.

Joan A. Lloyd

United States Bankruptcy Judge

Dated: March 14, 2011