

# Not Intended for Publication or Citation

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN RE: CASE NO. 09-13883	)	
	)	
JOHN ROBERT HALL	)	
	)	
Debtor	)	
	)	
	)	
INDIANA DEPARTMENT OF	)	
WORKFORCE DEVELOPMENT	)	
	)	
Plaintiff	)	
	)	
vs.	)	PROC. NO. 09-1217
	)	
JOHN ROBERT HALL, JR.	)	
	)	
Defendant	)	

## DECISION ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

At Fort Wayne, Indiana, on May 26, 2010.

By this adversary proceeding the court has been asked to declare that the defendant/debtor's obligation to the plaintiff it is a non-dischargeable debt pursuant to § 523(a)(2)(A) of the United States Bankruptcy Code. That debt arises out of unemployment benefits the debtor received during a period when he was purportedly ineligible to do so, and is represented by a judgment, in the sum of \$6,077, from the Allen Circuit Court. The plaintiff has filed a motion for summary judgment based upon the proposition that the judgment it received in the state court obviates the need for further litigation on the dischargeability issue. It is the issues raised by this motion which are presently before the court.

The defendant is proceeding pro se and has been given appropriate notice of the motion, see, Kincaid v. Vail, 969 F.2d 594, 599 (7th Cir. 1992); Timms v. Frank, 953 F.2d 281, 285-86 (7th Cir.

1992), by the Clerk of this court, see, Notice of Motion for Summary Judgment, dated April 13, 2010, Docket Entry No. 15, and there has been no response to the motion within the time required. N.D. Ind. L.B.R. B-7056-1; N.D. Ind. L.B.R. B-7007-1(a). See also, Fed. R. Civ. P. Rule 56(c)(1)(B). Consequently, the court may decide the motion based upon the proposition that “the facts as claimed and supported by admissible evidence . . . exist without controversy . . . .” N.D. Ind. L.B.R. B-7056-1.

Having considered the plaintiff’s motion, together with the materials submitted in support thereof, the court finds that there are no genuine issues of material fact and the plaintiff is entitled to the entry of judgment in its favor as a matter of law. Pursuant to § 523(a)(2)(A) of the United States Bankruptcy Court, defendant’s obligation to the plaintiff, represented by the judgment issued by the Allen Circuit Court in Cause No. 02C01-9608-CP-917, is a nondischargeable debt. Judgment will be entered accordingly.

/s/ Robert E. Grant  
Chief Judge, United States Bankruptcy Court