

UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF INDIANA  
 HAMMOND DIVISION

IN RE:	)	
	)	
JOSEPH R. TURCOTTE and	)	CASE NO. 05-64392 JPK
CHRISTINA M. TURCOTTE,	)	Chapter 7
	)	
Debtors.	)	
*****	)	
TOWN OF CEDAR LAKE,	)	
LAKE COUNTY, INDIANA,	)	
Plaintiff,	)	
v.	)	ADVERSARY NO. 05-6230
JOSEPH R. TURCOTTE,	)	
Defendant.	)	

MEMORANDUM OF DECISION

This adversary proceeding was initiated by complaint filed on October 31, 2005, to which the defendant responded with an answer filed on January 6, 2006. A pre-trial conference was held on March 1, 2006; the plaintiff appears by counsel Michael Muenich; the defendant Joseph R. Turcotte appears in person, pro se.

The record establishes that a Default Judgment Against Defendant Joseph Turcotte was entered on August 16, 2004 in the Lake County, Indiana, Superior Court under cause no. 45DO5-0405-MI-26. The United States Bankruptcy Court cannot undertake any action to modify, amend, or otherwise affect that judgment; *Rooker v. Fidelity Trust Company*, 44 S. Ct. 149 (1923); *District of Columbia Court of Appeals v. Feldman*, 103 S. Ct. 1303 (1983). The judgment determined a civil fine of \$15,300.00 against the defendant for violations of Chapter 95 of the Cedar Lake Town Code, and a civil fine of \$45,900.00 against the defendant for violations of Chapter 93 of the Cedar Lake Town Code. Those fines fall within the exception to discharge provided by 11 U.S.C. § 523(a)(7), which provides that a debt is excepted from discharge to the extent that it is for “a fine, penalty or forfeiture payable to or for the benefit of a governmental unit, and its not compensation for actual pecuniary loss.” These fines are

therefore excepted from discharge by operation of that statute. However, the provisions of the judgment which provide for the imposition of a liability or obligation upon the defendant for “any towing and disposal charges incurred by the Town to correct Turcotte’s violations of Chapter 95 of the Cedar Lake Town Code” [subparagraph b] and which provided judgment “awarding the Town all costs of abatement, towing and disposal charges, title search fees, reasonable attorneys fees, and court costs arising from the Town’s action to enforce its ordinances and abate Turcotte’s wrongful conduct on the Property” [subparagraph e] are not excepted from discharge, and have been discharged by the debtor’s discharge in his chapter 7 case, case no. 05-64392.

IT IS ORDERED that the civil fines in the total amount of \$61,200.00 are excepted from the discharge granted to the defendant in case no. 05-64392 by operation of 11 U.S.C. §523(a)(7).

IT IS FURTHER ORDERED that all other obligations stated in the judgment entered by the Lake County, Indiana, Superior Court in case no. 45DO5-0405-MI-26 are not excepted from discharge.

Dated at Hammond, Indiana on March 14, 2006.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
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