

**In re Daniels**  
**04-5009-BKC-LMI**

Lender's summary judgment based on *res judicata* was denied. A state court final judgment of foreclosure may bar some claims based on truth-in-lending (TILA) violations – the Court must determine whether the rights under a particular section of TILA must necessarily be resolved, whether raised or not, in considering entry of the state court foreclosure judgment. Similarly, not all TILA claims are compulsory counterclaims to a Florida mortgage foreclosure action. To the extent that any of the Debtor's claims are barred by *res judicata*, based on manifest injustice, the Court will not apply *res judicata* to such claims.