

DESERT PLACE, INC. v. HIONAS (IN RE HIONAS)
ADV. NO. 06-1203-BKC-LMI

Motion for partial summary judgment denied where disputed issue of material fact existed as to whether Florida or Nevada law should apply to resolution of disputed gambling debt.

Given Florida statute and recent Florida case law recognizing the State's public policy against gambling, bankruptcy court was inappropriate forum to seek determination of change in Florida's public policy.

When considering allowance or disallowance of a bankruptcy claim, the Bankruptcy court does not sit as a court of diversity and, therefore, determination of which state law should apply in adjudicating allowance of a claim should not be dictated by the choice of law rules of the state in which the bankruptcy court sits but rather by federal choice of law guidelines.