

Lupkin v. Boulos
(In re Boulos)
09-01208-BKC-LMI

The Plaintiff, a creditor of the debtor and one of the debtor's former business partners, failed to meet his burden of proof on claims seeking to find certain debts non-dischargeable under 11 U.S.C §§727(a)(2)(A), 727(a)(3), 727(a)(4), 727(a)(5), and 523(a)(2)(A). In a highly fact-specific determination, the Court found that the Plaintiff never met his burden to show that the Defendant transferred property with the intent to hinder, delay, or defraud a creditor nor did the Plaintiff demonstrate that the Defendant concealed or falsified relevant business transactions. Moreover, the Plaintiff failed to meet his burden to show that the Defendant made material false statements regarding his assets or that the Defendant failed to adequately explain his loss of assets. Finally, the Plaintiff failed to demonstrate that the Defendant obtained money or property from the Plaintiff through actual fraud or fraudulent misrepresentations. Judgment was entered for the Defendant on all five counts.