

In re Timothy Patrick HARTNETT

Timothy Patrick Hartnett

v.

Sara Mustelier and the Florida Department of Revenue

Bankruptcy Case No.04-13613-BKC-RAM

Adversary Case No.04-1197-BKR-RAM-A

Even when all the elements are met, a court can decline to apply the doctrine of collateral estoppel when application of the doctrine would result in a gross injustice. Here, the Court did not apply collateral estoppel in a 523(a)(5) proceeding seeking to discharge a child support judgment where the judgment was by default, the debtor was not the spouse, and a prepetition DNA test conclusively established that the debtor was not the father.