

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT  
HARTFORD DIVISION**

<hr/>	)	<b>CASE NO.</b>	<b>10-22386 (JJT)</b>
	)		
<b>MICHAEL J. GRIMSHAW,</b>	)	<b>CHAPTER</b>	<b>12</b>
<b>DEBTOR.</b>	)		
<hr/>	)		
<b>MICHAEL J. GRIMSHAW,</b>	)	<b>ADV. PRO. NO.</b>	<b>17-02035 (JJT)</b>
<b>PLAINTIFF</b>	)		
	)	<b>RE: ECF NOS.</b>	<b>29, 32, 50, 51</b>
<b>V.</b>	)		
	)		
<b>TRISHA K. GRIMSHAW,</b>	)		
<b>DEFENDANT.</b>	)		
<hr/>	)		

**APPEARANCES**

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Counsel for Michael J. Grimshaw

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Counsel for Trisha K. Grimshaw

**DECISION GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Trisha Grimshaw, the Defendant, filed Proof of Claim No. 10 on November 10, 2010, prior to the Chapter 12 Plan confirmation of the Plaintiff, Michael J. Grimshaw, on July 21, 2011 (ECF No. 88, Case No. 10-22386). At the time of the bankruptcy filing on July 14, 2010 and adversary proceeding filing on July 14, 2017, the Plaintiff and Defendant were married, and while a divorce proceeding was pending in Connecticut Superior Court, no orders for the division of property or alimony or a judgment for divorce have ever entered.

Before the Court are the Plaintiff's motion for summary judgment ("Motion," ECF No. 29), the corresponding objections thereto (ECF Nos. 32, 50), and the Plaintiff's reply (ECF No. 51), which seek: 1) a determination that the debt referenced in Proof of Claim No. 10 has been discharged under the Plaintiff's confirmed and completed Chapter 12 plan pursuant to 11 U.S.C. § 523, and 2) the enjoining of further proceedings by the Defendant to collect on Proof of Claim No. 10 pursuant to 11 U.S.C. § 524. The Plaintiff bases his Motion upon the case record herein, the uncontested facts advanced, the Plaintiff's confirmed Chapter 12 Plan (ECF No. 87, Case No. 10-22386), which was fully performed by April 14, 2017 (ECF No. 123, Case No. 10-22386), the Discharge Order entered on June 2, 2017 (ECF No. 126, Case No. 10-22386), and the Claims Register for the allowed Proof of Claim No. 10 in the amount of \$317,500.00, asserting a claim for the value of half of the Plaintiff's business assets.

Proof of Claim No. 10 having been filed, fully allowed, and paid its dividend under the Plaintiff's Chapter 12 Plan, and no election to pursue or duly and timely prosecute the claims in her divorce action instead, this Court finds and adjudges that under the rubric of res judicata, the debt referenced in Proof of Claim No. 10 was encompassed in and administered by the Chapter 12 Plan and related discharge. Notably, the Defendant never filed a motion to withdraw Proof of Claim No. 10 or to declare it excepted from the discharge as a domestic support obligation under 11 U.S.C. §§ 523(a)(5),(15) or otherwise. While the Defendant may have other rights and claims in a divorce or domestic proceeding not affected by this decision, she is specifically enjoined from the commencement or continuation of proceedings to further collect on this particular claim under 11 U.S.C. § 524(a)(2).

Accordingly, the Court enters summary judgment in the Plaintiff's favor.

**IT IS SO ORDERED** at Hartford, Connecticut on this 5th day of February 2019.

*James J. Tancredi*  
*United States Bankruptcy Judge*  
*District of Connecticut*

The seal of the United States Bankruptcy Court for the District of Connecticut is partially visible behind the signature. It features a circular design with a central emblem and text around the perimeter.