

**PUBLISH**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE:</b>	)	
	)	
<b>GLEN FREDRIC SHORE,</b>	)	<b>Case No. 01-14096</b>
	)	<b>Chapter 7</b>
<b>Debtor.</b>	)	
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	)	
<b>McCain Foods USA, Inc.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Adversary No. 01-5277</b>
	)	
<b>GLEN FREDRIC SHORE,</b>	)	
	)	
<b>Defendant.</b>	)	
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**JUDGMENT ON DECISION**

Plaintiff McCain Foods USA, Inc. (“McCain”) moves for partial summary judgment on its claim that Glen Fredric Shore’s (“Shore”) debt to it constitutes a willful and malicious injury to McCain within the meaning of 11 U.S.C. § 523(a)(6). McCain obtained a state court judgment against Shore for violation of the Kansas Uniform Fraudulent Transfer Act, KAN. STAT. ANN. 33-204(a)(1) (2000), thereby effectively determining that Shore acted with “actual intent to hinder, delay or defraud” McCain.<sup>1</sup> It is this judgment debt that McCain seeks to except from Shore’s discharge.

By the operation of collateral estoppel, this Court concludes as a matter of law that Shore’s actions were done with actual intent to defraud McCain and that McCain was injured, thereby dictating

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<sup>1</sup> See *McCain Foods, USA, Inc. v. Central Processors, Inc.*, 275 Kan. 1, 61 P.3d 68 (2002).

the conclusion that Shore did willfully and maliciously injure McCain's economic interests. Shore's judgment debt to McCain should be excepted from discharge under § 523(a)(6).

The Court GRANTS the motion for partial summary judgment. McCain's judgment against Shore in the amount of \$124,950 actual damages, \$20,000 punitive damages, and \$66.50 in costs is excepted from Shore's discharge pursuant to 11 U.S.C. § 523(a)(6).

Dated this 29th day of January, 2004.

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ROBERT E. NUGENT  
CHIEF BANKRUPTCY JUDGE  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the **Judgment on Decision** was deposited in the United States mail, postage prepaid on this 29th day of January, 2004, to the following:

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Janet Swonger,  
Judicial Assistant to the  
Honorable Robert E. Nugent