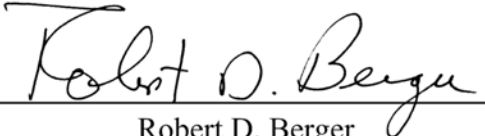


The relief described hereinbelow is **SO ORDERED**.

**SIGNED** this 8th day of October, 2020.



  
Robert D. Berger  
United States Bankruptcy Judge

---

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

In re:

**ABRAHAM RADI KARMI,**

Debtor.

Case No. 19-21507

Chapter 13

---

**ABRAHAM RADI KARMI and  
ALI RADI SADEQ ELKARMI,**

Plaintiffs,

Adv. No. 20-6030

v.

**NUHA ATALLAH and  
HESHAM NASR,**

Defendants.

---

**ORDER DENYING MOTION FOR TRO WITHOUT PREJUDICE**

Plaintiffs Abraham Radi Karmi and Ali Radi Sadeq ElKarmi ask that this Court issue a temporary restraining order against defendant Nuha Atallah pursuant to [Fed. R. Civ. P. 65](#) (made applicable to this adversary proceeding via [Fed. R. Bankr. P. 7065](#)). Karmi and Atallah were formerly husband and wife; ElKarmi is Karmi's brother. Plaintiffs' complaint (ECF 1) and motion for TRO (ECF 2) allege that:

- (1) Atallah obtained a judgment against Karmi in the Hashemite Kingdom of Jordan on July 17, 2019, just days before Karmi filed for bankruptcy.
- (2) The judgment is for a "Deferred Dowry" of 10,722 dinars (approximately 15,000 USD).<sup>1</sup>
- (3) "A dowry in Jordan is similar to alimony/maintenance in the U.S."
- (4) Karmi filed for bankruptcy in Kansas under Chapter 13 on July 22, 2019.
- (5) In February 2020, Karmi traveled to Jordan. When he tried to return to the United States, Jordanian officials detained him and told him he could not leave the country unless someone guaranteed the judgment debt.

---

<sup>1</sup> Paragraphs 16 and 17 of Plaintiffs' complaint allege that the 10,722-dinar judgment "includ[es] . . . \$4,000 of domestic support obligations . . . [and] also contained an amount for a deferred dowry." However, the translated judgment, attached to the complaint as Exhibit 1, specifies "Deferred Dowry" as its only subject.

- (6) ElKarmi, his brother, guaranteed the judgment by pledging his house in Jordan as collateral, and Karmi was subsequently allowed to return to the United States.
- (7) On March 25, 2020, Atallah filed a motion in the Jordanian court seeking to enforce the judgment.
- (8) On June 10, 2020, an order entered by a Johnson County, Kansas, district court judge observed that “[Atallah] acknowledges that she is attempting to collect a judgment obtained in the Country of Jordan against [Karmi] for deferred dowry and other sums due to her from [Karmi].”
- (9) On October 4, 2020, the Jordanian court issued a notice to Karmi stating that if he did not pay or settle the judgment within seven days, “the enforcement department will start to execute the enforcement transactions against you legally.”
- (10) The deadline to pay or settle the judgment under the notice is therefore this Sunday, October 11, 2020.
- (11) ElKarmi’s house is liable to be seized as collateral for the judgment after the deadline.
- (12) ElKarmi may be subject to arrest or travel ban (i.e., prevented from leaving the country) in Jordan after the deadline.
- (13) Karmi may be subject to arrest or travel ban in Jordan if he returns there after the deadline.

Plaintiffs argue that Atallah's actions violate § 362(a)(1) of the Bankruptcy Code<sup>2</sup> as to Karmi and § 1301(a)(1) as to ElKarmi. In their motion, they ask this Court to issue a TRO ordering Atallah to:

- (1) immediately cease all collection efforts on the Jordanian judgment;
- (2) immediately take all actions necessary to have the travel ban against Karmi and ElKarmi released/extinguished;
- (3) immediately take all actions necessary to have ElKarmi's guarantee released/extinguished; and
- (4) immediately take all actions necessary to ensure that no arrest warrants are issued in Jordan against Karmi and ElKarmi.

To obtain a TRO or preliminary injunction in federal court, a movant has the burden of establishing that: (a) the movant will suffer irreparable injury unless the motion is granted; (b) the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party; (c) the injunction would not be adverse to the public interest; and (d) there is a substantial likelihood that the movant will eventually prevail on the merits. *See, e.g., Wiechmann v. Ritter*, 44 F. App'x 346, 347 (10th Cir. 2002) (unpublished). Furthermore, the movant must satisfy a "heightened burden" in the Tenth Circuit as to certain types of "disfavored injunctions," one of which is a "mandatory" injunction (i.e., one that requires the

---

<sup>2</sup> All statutory references in this order are to Title 11, United States Code (the "Bankruptcy Code") unless otherwise indicated.

nonmovant to *act* in a particular way). *See O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, [389 F.3d 973, 977](#) (10th Cir. 2004) (en banc).

As to Karmi, (1) he has not proved a threat of irreparable injury in the absence of a TRO because there is no evidence that he is in Jordan or has any immediate intent to travel there, and (2) he has not shown a substantial likelihood of success on the merits because it is unclear whether continuation of the Jordanian action might fall within § 362(b). As to ElKarmi, he has not shown a substantial likelihood of success on the merits because there is no evidence that the judgment at issue is for a “consumer debt” as defined in § 101(8). As to both plaintiffs, this Court is not prepared to hold today, without more, that the automatic stay has extraterritorial application. *Cf. Shlomo Maza, Yes, No, or Maybe: The Presumption Against Extra-Territoriality in the Bankruptcy Context*, 23 Am. Bankr. Inst. L. Rev. 601 (Summer 2015); David P. Stromes, Note, *The Extraterritorial Reach of the Bankruptcy Code’s Automatic Stay: Theory vs. Practice*, 33 Brook. J. Int’l L. 277 (2007). For these reasons, Plaintiffs’ motion for a TRO is hereby denied without prejudice.

IT IS SO ORDERED.

###