

The document below is hereby signed.

Signed: August 17, 2016



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
SHARRA NEVES CARVALHO,)	Case No. 15-00646
)	(Chapter 7)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER
DENYING TEODORA SIMU'S RENEWED MOTION TO LIFT AUTOMATIC STAY

Teodora Simu once again seeks relief from the automatic stay in order to pursue enforcement of her claims against the debtor. Simu holds no security interest or other lien on property of the debtor. She holds only unsecured claims. Unlike liens, which generally pass through a bankruptcy case unaffected by the debtor's receipt of a discharge, Simu's unsecured claims will potentially be affected by the debtor's receipt of a discharge. If the debtor obtains a discharge, Simu's unsecured claims against the debtor will be enforceable only if the claims against the debtor are nondischargeable. The issues of whether the

debtor will be granted a discharge and whether Simu's claims are nondischargeable are pending in Adversary Proceeding No. 16-10001, and have not yet been decided. If the debtor prevails in the adversary proceeding, Simu's claims will be discharged. There is no reason to allow Simu to pursue enforcement of those claims now. She will not be entitled to pursue any of those claims except to the extent that (1) the court denies the debtor a discharge, or (2) the court determines that the claim is nondischargeable.

Simu holds a judgment for the monetary claims against the debtor with one exception. One of the claims is for attorney's fees, and a motion to allow attorney's fees is pending in the Superior Court of the District of Columbia, and has not been decided. However, the attorney's fees will be recoverable only to the extent that a discharge is denied or the fees relate to a claim that is determined to be nondischargeable. Simu has not contended that the attorney's fees are recoverable in full even if only part of her claims are nondischargeable in the event the debtor receives a discharge. Nor has she advanced cogent reasons why the court should lift the stay to subject the debtor to litigation over attorney's fees (litigation that will be unnecessary if the debtor obtains a discharge and Simu's claims are nondischargeable) before the court decides whether to grant the debtor a discharge and decides which claims, if any, are

