

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

IN RE:	}	
	}	
	}	Chapter 13
WILLIAM L. GALLEY and	}	
LAURIE A. GALLEY,	}	CASE NO. 06-12142-JNF
	}	
Debtor	}	
<hr style="border: 0.5px solid black;"/>		
	}	
PHOEBE MORSE,	}	
the United States Trustee for Region 1,	}	
Plaintiff,	}	AP. 08-
	}	
v.	}	
	}	
CAPITAL ONE BANK (USA), N.A.,	}	
Defendant,	}	

**COMPLAINT OF THE UNITED STATES TRUSTEE PHOEBE MORSE  
FOR A PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF**

Phoebe Morse, the United States Trustee for Region 1, by and through her duly authorized counsel alleges as follows:

1. This is an action pursuant to Sections 524(a)(2) and 105(a) of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.*, (the “Code”), and under the court’s inherent authority to secure permanent injunctive relief and other equitable relief, including restitution and disgorgement, against the defendant for failing to maintain procedures ensuring compliance with bankruptcy discharge injunctions, for improperly filing proofs of claim in approximately 5,600 cases to collect previously discharged debt, and for improperly collecting approximately \$340,000 from bankruptcy estates nationwide.

## **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b).

This is a core proceeding under 28 U.S.C. § 157(b)(2).

3. Venue is proper in the United States Bankruptcy Court for the District of Massachusetts, Eastern Division, pursuant to 28 U.S.C. § 1409(a).

## **PLAINTIFF**

4. Plaintiff Phoebe Morse is the United States Trustee for Region 1 (“UST”). 28 U.S.C. § 581(a)(1). The UST is an official of the United States Department of Justice charged by statute with the duty to oversee and supervise the administration of bankruptcy cases. *See* 28 U.S.C. § 586(a). Section 307 of the Code expressly gives the UST standing to raise and be heard on any issue under Title 11, except that the UST may not file a reorganization plan under chapter 11. 11 U.S.C. § 307.

## **DEFENDANT**

5. Capital One Bank (USA), N.A. (“Capital One”) is a federally chartered bank. Capital One is a primary subsidiary of Capital One Financial Corporation, a financial holding company which has a principal place of business in McLean, Virginia. Capital One transacts business in this District and submitted itself to the jurisdiction of this Court by filing a proof of claim in the instant bankruptcy case. *Langenkamp v. Culp*, 498 U.S. 42 (1990)(creditors who file proofs of claim bring themselves within the equitable jurisdiction of the bankruptcy court).

## THE DEFENDANT'S BUSINESS PRACTICES

6. Capital One offers revolving open-end credit card accounts to consumers nationally. In recent years, Capital One has filed thousands of proofs of claim per month, in this and other United States Bankruptcy Courts around the country, seeking payment as an unsecured creditor from the bankruptcy estates of its open-end credit card account customers.
7. In late 2005, the procedures that Capital One employed to identify which customers had previously filed for bankruptcy protection failed, and Capital One improperly filed approximately 5,600 proofs of claim against customers whose debt had previously been discharged in bankruptcy, thereby violating numerous discharge injunctions. *See* 11 U.S.C. § 524 (enjoining efforts to collect on discharged debts).
8. Capital One had an obligation to maintain procedures adequate to ensure that it did not violate the discharge injunction. *See, e.g., In re Roush*, 88 B.R. 163, 165 (Bankr. S.D. Ohio 1988) (creditor bears burden of establishing procedures adequate to minimize or eliminate its agent's violations of section 524); *cf., In re Conti*, 50 B.R. 142, 146 (Bankr. E.D. Va. 1985) (holding IRS in civil contempt for violating section 524 and finding that impracticality, lack of manpower, and lack of appropriate procedures are not sustainable defenses to a motion for a finding of civil contempt).
9. Capital One breached this obligation, and subsequently caused approximately 5,600 erroneous proofs of claim to be filed in bankruptcy cases where consumers had previously been granted a discharge of the debts they owed to Capital One.
10. Capital One thereafter improperly collected approximately \$340,000 from debtors' chapter 13 estates nationally, in violation of section 524(a)(2).

**IN RE GALLEY: THE IMPROPER PROOF OF CLAIM**

11. William L. Galley and Laurie A. Galley (“Debtors”) filed a chapter 13 voluntary petition on July 15, 1992, which case was assigned case number 92-17226-CJK. An order confirming the Debtors’ chapter 13 plan was entered on November 9, 1992.
12. On November 27, 1992, Signet Bank filed a proof of claim in case number 92-17226-CJK as to Visa account #\*\*\*\*\*9625 in the amount of \$3,309.86. A true and accurate copy of the Signet Bank proof of claim (“Proof of Claim”) is attached hereto as Exhibit 1.
13. Upon information and belief, in or about 1994 Capital One became the owner<sup>1</sup> and or servicer of the account referenced in the Proof of Claim.
14. On May 20, 1997, the chapter 13 trustee filed a final report and account in case number 92-17226-CJK and listed the Proof of Claim as claim number 9 on the report. A copy of the report showing payment to Signet Bank is attached hereto as Exhibit 2.
15. On May 21, 1997, an order of discharge entered on the docket of the Debtors’ case number 92-17226-CJK (“Discharge Order”). A copy of the notice of the Discharge Order was mailed to Signet Bank at the address provided on its Proof of Claim. A true and accurate copy of the Discharge Order is attached hereto as Exhibit 3.
16. On July 5, 2006, the Debtors filed the present chapter 13 case.
17. On July 18, 2006, Capital One through its agent, TSYS, filed a proof of claim in this case for \$5,542.50 bearing the same account number #\*\*\*\*\*9625 as was referenced in the Proof of Claim filed in the earlier case and listing the same account opening date of April 6, 1989. A true and accurate copy of the Capital One proof of claim (“Improper Proof of Claim”) is attached hereto

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<sup>1</sup> In 1994, Signet Bank spun-off its credit card business as Capital One Financial Corporation.

as Exhibit 4.<sup>2</sup>

18. The debt listed in Capital One's Improper Proof of Claim is the same debt discharged by this Court's Discharge Order in case number 92-17226-CJK.

19. Upon information and belief and subject to further discovery, Capital One either knew or should have known that the debt represented in its Improper Proof of Claim was the subject of a previous Discharge Order.

20. On March 6, 2007, the Court entered an order confirming the Debtor's chapter 13 plan in this case.

21. The chapter 13 trustee has made distributions on the Improper Proof of Claim filed by Capital One through its agent, TSYS. The chapter 13 trustee has paid to Capital One \$896.93 as of September 8, 2008.

**COUNT I**  
**Failure to Maintain Procedures**  
**Adequate to Prevent Violations of Section 524**

22. The UST incorporates by reference all the foregoing paragraphs.

23. In the course and conduct of credit card servicing and collection, Capital One had an obligation to maintain procedures to ensure that it did not violate discharge injunctions issued under section 524.

24. On numerous occasions in and after 2005, Capital One failed to ensure that its collection procedures properly identified those customers whose debt to Capital One was discharged previously in bankruptcy.

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<sup>2</sup> Capital One filed a second proof of claim in this case for a separate account #\*\*\*\*\*7679 in the amount of \$671.97, which was opened in February 1999 after the Debtors' previous discharge. The Debtors scheduled a Capital One account opened in February 1999 in the amount of \$671.

25. On approximately 5,600 occasions, when Capital One knew or should have known that debt had been discharged in bankruptcy, Capital One caused proofs of claim to be filed in numerous United States Bankruptcy Courts seeking to collect the debt.

26. In the instant case, Capital One filed an Improper Proof of Claim in this Court seeking to collect a debt when it knew or should have known that the debt had been discharged.

**COUNT II**  
**Violations of Section 524**

27. The UST incorporates by reference all the foregoing paragraphs.

28. In approximately 5,600 cases, Capital One caused proofs of claim to be filed in United States Bankruptcy Courts seeking to collect a debt, when it knew or should have known that the debt had been discharged.

29. In the instant case, Capital One caused the Improper Proof of Claim to be filed with this Court seeking to collect on debt when it knew or should have known that the debt had been discharged.

30. Capital One has not withdrawn its Improper Proof of Claim, and has improperly collected money from the bankruptcy estate. *See* 11 U.S.C. § 502.

**THIS COURT'S POWER TO GRANT RELIEF**

31. This Court has inherent authority and power under section 105(a) to fashion orders providing appropriate relief, including injunctive relief to prevent and remedy violations of section 524 of the Code, and to order disgorgement, and the reimbursement of costs and out of pocket expenses. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991); *Bessette v. Avco Financial Services*, 230 F.3d 439 (1<sup>st</sup> Cir. 2000), *amended by and reh'g denied*, 2000 U.S. App. LEXIS 33737 (1<sup>st</sup> Cir. Dec. 15, 2000), *cert. denied*, 532 U.S. 1048 (2001). Likewise, this Court has specific authority to

deny improper claims. *See* 11 U.S.C. § 502.

### **PRAYER FOR RELIEF**

WHEREFORE, the United States Trustee requests that this Court invoke its inherent authority and its authority under 11 U.S.C. §§ 105(a), 502, and 524 to enter a judgment and orders:

- A. disallowing the Improper Proof of Claim Capital One filed in this case; and
- B. ordering Capital One to disgorge and return to the chapter 13 trustee all monies received from the Galley estate in this case, and to reimburse the chapter 13 trustee for any out-of-pocket expenses resulting from the need to readminister those monies; and
- C. permanently enjoining and restraining Capital One from improperly maintaining collection procedures that cause them to violate section 524; and
- D. appointing an independent auditor, to be paid for by Capital One, to determine and report to this Court:
  - (i) the identifying information for each and every case in which Capital One improperly filed proofs of claim for previously discharged debt;<sup>3</sup> and
  - (ii) the amount of monies that Capital One improperly received in each case in which it caused to be filed improper proofs of claim for previously discharged debt; and
  - (iii) the costs and expenses incurred by trustees and/or debtors to object to improper proofs of claim and/or to readminister any returned moneys; and
- E. ordering Capital One to withdraw any improper claims for previously discharged debt it caused to be filed in any case under Title 11; and
- F. ordering Capital One to reimburse all trustees and debtors who seek payment of all out-of-pocket costs and expenses incurred to contest improper proofs of claim for previously discharged debt; and
- G. ordering Capital One to reimburse trustees who seek payment of all costs arising out of the need to readminister the disgorged monies in any case under Title 11; and

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<sup>3</sup> The United States Trustee Program does not include the judicial districts in North Carolina and Alabama.

H. entering such other orders that this Court deems meet and just.

PHOEBE MORSE  
UNITED STATES TRUSTEE, REGION 1

October 2, 2008

By: /s/ Gary L. Donahue  
Gary L. Donahue  
BBO No. 561278  
Office of the United States Trustee  
U.S. Department of Justice  
10 Causeway Street  
Boston, Massachusetts  
Telephone: (617) 788-0412  
Facsimile: (617) 565-6368

/s/ Leonard J. DePasquale  
Leonard J. DePasquale  
Acting Associate General Counsel  
For Enforcement and Litigation  
Executive Office for United States Trustees  
20 Massachusetts Avenue, N.W.  
Washington, DC 20530  
202-305-2506 Telephone  
202-307-2397 Facsimile





B10 (Official Form 10)  
(Rev. 6/91)

**United States Bankruptcy Court**  
District of MASSACHUSETTS      **PROOF OF CLAIM**

In re (Name of Debtor)  
William L. Galley

Case Number  
92-17226 *UPB*

FILED  
NOV 27 12 04 PM '92  
U.S. BANKRUPTCY COURT  
DISTRICT OF MASS.

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor  
(The person or entity to whom the debtor owes money or property)  
Signet Bank/Virginia

Name and Addresses Where Notices Should be Sent  
Signet Bank/Virginia  
P. O. Box 26094  
Richmond, Va. 23260

Telephone No.      804-346-5319

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:  
Visa 9625

Check here if this claim:  replaces a previously filed claim, dated: \_\_\_\_\_  
 amends

1. BASIS FOR CLAIM:
- Goods sold
  - Services performed
  - Money loaned
  - Personal injury/wrongful death
  - Taxes
  - Other (Describe briefly)

- Retiree benefits as defined in 11 U.S.C. § 1114(a)
- Wages, salaries, and compensations (Fill out below)  
Your social security number \_\_\_\_\_  
Unpaid compensations for services performed from \_\_\_\_\_ (date) to \_\_\_\_\_ (date)

2. DATE DEBT WAS INCURRED:  
Account open 4/6/89, C/O 10/21/92

3. IF COURT JUDGMENT, DATE OBTAINED:

4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM.

SECURED CLAIM \$ \_\_\_\_\_  
Attach evidence of perfection of security interest  
Brief Description of Collateral:  
 Real Estate     Motor Vehicle     Other (Describe briefly)

- UNSECURED PRIORITY CLAIM \$ \_\_\_\_\_  
Specify the priority of the claim.
- Wages, salaries, or commissions (up to \$2000), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier—11 U.S.C. § 507(a)(3)
- Contributions to an employee benefit plan—U.S.C. § 507(a)(4)
- Up to \$900 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. § 507(a)(6)
- Taxes or penalties of governmental units—11 U.S.C. § 507(a)(7)
- Other—11 U.S.C. §§ 507(a)(2), (a)(5)—(Describe briefly)

Amount of arrearage and other charges included in secured claim above, if any \$ \_\_\_\_\_

UNSECURED NONPRIORITY CLAIM \$ 3,309.86  
A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.

5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: \$ 3,309.86 (Unsecured)    \$ \_\_\_\_\_ (Secured)    \$ \_\_\_\_\_ (Priority)    \$ 3,309.86 (Total)

Check this box if claim includes prepetition charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.

6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. TIME-STAMPED COPY: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date  
11/23/92

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)  
*Penny Winn*  
Penny Winn, Agent

THIS SPACE IS FOR COURT USE ONLY  
*7*  
*REM*

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

VISA STATEMENT

**SIGNET BANK**

██████████9625 330986 30986

000  
000  
000

WILLIAM L GALLEY  
██████████  
██████████ MA 02359-3034

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

MAKE CHECKS PAYABLE TO SIGNET BANK  
403003840604

PLEASE COMPLETE IF YOUR ADDRESS HAS CHANGED

YOUR NEW BALANCE IS	YOUR MINIMUM PAYMENT IS	YOUR PAYMENT IS DUE BY	FILL IN PAYMENT AMOUNT
3,309.86	309.86	07/20/92	08

TO AVOID ADDITIONAL FINANCE CHARGES BEING APPLIED TO YOUR CURRENT PURCHASES ON NEXT MONTH'S STATEMENT, PAY THE NEW BALANCE ON THIS STATEMENT IN FULL BY THE DUE DATE.

TRANSACTION DATE	REFERENCE NUMBER	TRANSACTION DESCRIPTION	AMOUNT
06/25		OVERLIMIT FEE	18.00

\*\*\*\*\*  
YOUR SCHEDULED PAYMENT HAS NOT BEEN RECEIVED. PLEASE REMIT THE AMOUNT DUE APPEARING ON THIS STATEMENT. IF YOU HAVE ALREADY MADE YOUR PAYMENT, PLEASE ACCEPT OUR THANKS.

PREVIOUS BALANCE	CASH ADVANCES	PURCHASES AND OTHER CHARGES	FINANCE CHARGE	CREDITS	PAYMENTS
3,237.88		18.00	53.98		
CASH ADVANCE FEE	AVAILABLE CREDIT	ANNUAL PERCENTAGE RATE IMPROVED THIS PERIOD	YOUR MINIMUM PAYMENT IS	ACCOUNT LIMIT	<b>TOTAL NEW BALANCE</b>
FINANCE CHARGE	.00	20.00%	309.86	3,000	3,309.86
CASH ADVANCES: FINANCE CHARGE BASED ON PERIODIC RATE	PERIODIC RATE	CORRESPONDING ANNUAL PERCENTAGE RATE	BALANCE RATE APPLIED TO	PREVIOUS BALANCE	CASH ADVANCE NEW BALANCE
49.48	11.67%	20.00%	2,968.67	2,968.67	3,018.15
PURCHASES AND OTHER CHARGES: FINANCE CHARGE BASED ON PERIODIC RATE	PERIODIC RATE	CORRESPONDING ANNUAL PERCENTAGE RATE	BALANCE RATE APPLIED TO	PREVIOUS BALANCE	PURCHASES AND OTHER CHARGES NEW BALANCE
4.50	11.67%	20.00%	269.79	269.21	291.71

VISA STATEMENT

NOTICE: See Reverse Side For Important Disclosure Information

PSC F90-5371

EXHIBIT #2

**DOCKETED** United States Bankruptcy Court  
DISTRICT OF MASSACHUSETTS

WILLIAM R. LAURIE GALLEY  
MA 02359

CASE NO. 92-17226 CJK

**FINAL REPORT AND ACCOUNT AND MOTION FOR FINAL DECREE**

This Case was commenced on MO. DAY YR. 7 15 92

The Plan was confirmed on MO. DAY YR. 10 15 92

SS#1 [REDACTED]-4096  
SS#2 [REDACTED]-8818  
This Case was concluded on MO. DAY YR. 4 30 97

THIS CASE IS COMPLETED AND THE DEBTOR IS ENTITLED TO A DISCHARGE.

Your trustee has maintained a detailed record of all receipts, including the source or other identification of each receipt and of all disbursements. Copies of these detailed records have been filed with the Court or are attached hereto, and are incorporated by reference in this report.

RECEIPTS: Amount paid to the Trustee by or for the Debtor for benefit of creditors. \$ 16,308.00

DISBURSEMENTS TO CREDITORS:	CREDITOR'S NAME	CLAIM NUMBER	CLASSIFICATION	AMOUNT ALLOWED	AMOUNT PAID		BALANCE DUE
					PRINCIPAL	INTEREST	
SEARS & ROEBUCK		001	SECURED	479.29	479.29		
IRS SPECIAL PROCEDURES DI		002	PRIORITY	4571.88	4571.88		
DISCOVER CARD SERVICES		003	UNSECURED	2618.51	746.63		1,871.88
MAX RECOVERY, INC., SUCCE		004	UNSECURED	3292.69	938.86		2,353.83
CITIBANK SOUTH DAKOTA		005	UNSECURED	6425.85	1832.24		4,593.61
MAX RECOVERY, INC., SUCCE		006	UNSECURED	4208.55	1200.01		3,008.54
CITIBANK SOUTH DAKOTA		007	UNSECURED	1002.77	285.93		716.84
AMERICAN EXPRESS TRAVEL R		008	UNSECURED	348.49	99.37		249.12
SIGNET BANK/VIRGINIA		009	UNSECURED	3309.86	943.76		2,366.10
AMERICAN EXPRESS TRAVEL R		010	UNSECURED	10768.55	3070.50		7,698.05
SEARS & ROEBUCK		011	UNSECURED	3393.72	967.66		2,426.06
WILLIAM R./LAURIE GALLEY			REFUND				
WILLIAM R./LAURIE GALLEY			REFUND				

SUMMARY OF CLAIMS ALLOWED AND PAID:

	SECURED	PRIORITY	GENERAL	LATE	SPECIAL	TOTAL	
AMOUNT ALLOWED	479.29	4571.88	35368.99			40420.16	
PRINCIPAL PAID	479.29	4571.88	10084.96			15136.13	
INTEREST PAID							
							TOTAL PAID PRINCIPAL AND INTEREST
							15136.13

OTHER DISBURSEMENT UNDER ORDER OF COURT:

COURT COSTS AND OTHER EXPENSES OF ADMINISTRATION	DEBTOR'S ATTORNEY			FEE ALLOWED			FEE PAID		OTHER COSTS
	FILING FEE AND DEPOSIT	ADDITIONAL CHARGES	28% EA CLAIM OVER 10	EXPENSE FUND	TRUSTEE	COMPENSATION FUND			
		CLERKS CHARGES		1128.84		43.03			1171.87

WHEREFORE, your Petitioner prays that a Final Decree be entered discharging your Petitioner as Trustee and releasing your Petitioner and the Trustee's surety from any and all liability on account of the within proceedings, and closing the estate, and for such other and further relief as is just. Pursuant to FRBP 5009, I hereby certify that the above captioned case has been fully administered.

**DOCKETED**

*[Signature]*  
RICHARD ASKENASE, CHAPTER 13 TRUSTEE

FINAL DECREE AND ORDER

The above Final Report and Account and Motion for Final Decree having come before the Court is hereby allowed.

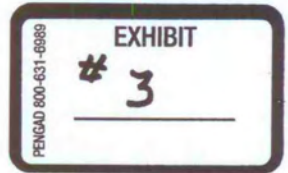
DATED: MAY 20 1997

*[Signature]*  
United States Bankruptcy Judge

(13)

District Of Massachusetts Boston Office  
U.S. Bankruptcy Court  
10 Causeway Street  
Thomas P. O'Neill, Jr. Federal Bldg.  
Boston, MA 02222

UNITED STATES BANKRUPTCY COURT  
District of Massachusetts



Case Number:92-17226 cjk

IN RE(NAME OF DEBTOR)  
William R. Galley, [REDACTED]-4096  
Laurie A. Galley, [REDACTED]-8818

ORDER DISCHARGING DEBTOR AFTER COMPLETION  
OF CHAPTER 13 PLAN

The court finds that the debtor filed a petition under title 11, United States Code, on 7/15/92, that the debtor's plan has been confirmed and that the debtor has fulfilled all requirements under the plan.

IT IS ORDERED THAT:

1. Pursuant to 11 U.S.C. Section 1328(a), the debtor is discharged from all debts provided for by the plan or disallowed under 11 U.S.C. Section 502, except any debt:
  - (a) provided for under 11 U.S.C. Section 1322(b)(5) and on which the last payment is due after the date on which the final payment under the plan was due; or
  - (b) in the nature of alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor in connection with a separation agreement, divorce decree or other order of a court of record, or property settlement agreement, as specified in 11 U.S.C. Section 523(a)(5);
  - (c) for a student loan or educational benefit overpayment as specified in 11 U.S.C. Section 523(a)(8) in any case in which discharge is granted prior to October 1, 1996;
  - (d) for a death or personal injury caused by the debtor's unlawful operation of a motor vehicle while intoxicated from using alcohol, a drug, or another substance, as specified in 11 U.S.C. Section 523(a)(9), in a case filed on or after November 15, 1990; or
  - (e) for restitution included in a sentence on the debtor's conviction of a crime, in a case filed on or after November 15, 1990.
2. Pursuant to 11 U.S.C. Section 1328(d), the debtor is not discharged from any debt based on an allowed claim filed under 11 U.S.C. Section 1305(a)(2) if prior approval by the trustee of the debtor's incurring such debt was practicable and was not obtained.
3. Notwithstanding the provisions of title 11, United States Code, the debtor is not discharged from any debt made non-dischargeable by 18 U.S.C. Section 3613(f), by certain provisions of titles 10, 37, 38, 42, and 50 of the United States Code, or by any other applicable provision of law.
4. All creditors are prohibited from attempting to collect any debt that has been discharged in this case.

Dated: 5/21/97

BY THE COURT  
Carol J. Kenner

# CERTIFICATE OF SERVICE

1-800-BNC-5055

District/off: 0101-1  
 Case: 92-17226

User: pamc  
 Form ID: 13Y

Page 1 of 1  
 Total Served: 17

Date Rcvd: May 21, 1997

The following entities were served by first class mail on May 23, 1997.

db William R. Galley, ██████████ MA 02359  
 jcb Laurie A. Galley, ██████████ MA 02359  
 aty John B. Herron, Becket & Lee LLP, P.O. Box 3001, Dept. N, Malvern, PA 19355-0701  
 aty Mark H. Avery, P.O. Box 862, Pembroke, MA 02359  
 aty Sondra R. Gebhart, Becket & Lee LLP, P.O. Box 3001, Dept. N, Malvern, PA 19355-0701  
 tr Richard Askenase, P. O. Box 8250, 129 Portland Street, Boston, MA 02114-0033  
 1421277 American Express Travel Related Services, c/o Becket & Watkins, P.O. Box 3001 Dept. Q, Malvern, PA 19355-0701  
 1353084 C M HILL ASST AG, DEPT OF ATTORNEY GENERAL, CONSUMER PROTECTION DIV, 131 TREMONT STREET, BOSTON MA 02111  
 1333832 CITIBANK, NA, P.O. BOX 5939, SAN MATEO, CA 94402-0939  
 1353083 COMMONWEALTH OF MASS, DIV OF EMPLOYMENT AND TRAINING, ATT CHIEF COUNSEL, HURLEY BLDG GOVT CENTER, BOSTON MA 02114  
 1358810 CitiBank (South Dakota) NA, PO Box 5939, San Mateo, CA 94402-0939  
 1307839 Discover Card, P.O. Box 8003, Hilliard, OH 43026  
 1325626 HOUSEHOLD CREDIT SERVICES INC, P.O. BOX 80053, SALINAS CA 93912-0053  
 1353086 INTERNAL REVENUE SERVICE, Special Procedures Function-Room 800, P.O. Box 9112, JFK Building, Boston, MA 02203  
 1434546 Signet Bank/Virginia, P.O. Box 26094, Richmond, VA 23260  
 1350877 TAX COLLECTOR, TOWN OF PEMBROKE, PEMBROKE MA 02359  
 1353082 UNITED STATES ATTORNEY, 1107 JOHN W MCCORMACK, POST OFFICE AND COURTHOUSE, BOSTON MA 02109

The following entities were served by electronic transmission.  
 NONE.

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

TOTAL: 0

NONE.

TOTAL: 0

\*\*\*\*\* CLIN SUMMARY \*\*\*\*\*

CLIN	Description	Unit	Qty	Unit Price	Extended Price
3001	Elect, print one side	Sheet	17	0.13500	2.295
4001	Prepare to transmit Notice Service	Case	1	0.10000	0.100
				<b>TOTAL</b>	<b>2.395</b>

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Date: 05/23/97

Signature:

*Joseph Speetjens*

15

PENGAD 800-631-6889  
**EXHIBIT**  
**#4**

FORM B10 (Official Form 10) (04/04) CHAPTER 13- DOREEN B SOLOMON, B00000007129058 MA

UNITED STATES BANKRUPTCY COURT <b>STON</b> DISTRICT OF MASSACHUSETTS <b>STON</b>		<b>PROOF OF CLAIM</b>
Name of Debtor <b>GALLEY, WILLIAM L</b>		Case Number <b>06-12142JNF</b>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property): <b>CAPITAL ONE BANK</b>		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
Name and address where notices should be sent: <b>CAPITAL ONE C/O TSYS DEBT MANAGEMENT PO BOX 5155 NORCROSS, GA 30091 Telephone number: (800)209-9161</b>		
Account or other number by which creditor identifies debtor: <b>██████████ 9625</b>		Check here <input type="checkbox"/> replaces a previously filed claim, dated: _____ <input type="checkbox"/> amends
<b>1. Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input checked="" type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____ <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: <b>4096</b> Unpaid compensation for services performed from _____ to _____ (date) (date)		
<b>2. Date debt was incurred:</b> ACCT OPEN: 04/06/89		<b>3. If court judgment, date obtained:</b>
<b>4. Total Amount of Claim at Time Case Filed:</b> \$ <u>5542.50</u> <u>0.00</u> <u>0.00</u> <u>5542.50</u> (unsecured) (secured) (priority) (Total) If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>5. Secured Claim.</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____ <b>5542.50</b>		<b>7. Unsecured Priority Claim.</b> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
<b>6. Unsecured Nonpriority Claim s</b> _____ <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		THIS SPACE IS FOR COURT USE ONLY
<b>8. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. <b>9. Supporting Documents:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. <b>10. Date-Stamped Copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim		
Date <b>07/12/06</b>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <b>TSYS DEBT MANAGEMENT service provider for CAPITAL ONE BANK</b>	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

STATEMENT OF ACCOUNTS

TODAY'S DATE 07/12/06

CREDITOR.

CAPITAL ONE BANK

CAPITAL ONE  
C/O TSYS DEBT MANAGEMENT  
PO BOX 5155  
NORCROSS, GA 30091

DEBTOR.

ID ██████████ 9625  
GALLEY, WILLIAM L  
██████████  
██████████ MA 02359-3034

BANKRUPTCY CASE	PLACED	TDM FILE#	DEBITS	CREDITS
06-12142JNF	07/11/06	██████████ 9625		5542.50

BALANCE AS OF 07/12/06 \$5542.50