

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

STEPHEN THOMAS DAY : BK No. 02-12967
DONNA LEE DAY : Chapter 7
Debtors :

GEORGE S. FARRELL :
Plaintiff :

v. : A.P. No. 02-1090

STEPHEN THOMAS DAY and :
DONNA LEE DAY :
Defendants :

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LOCAL 799, INTERNATIONAL :
ASSOCIATION OF FIREFIGHTERS :
Plaintiffs :

v. : A.P. No. 02-1091

STEPHEN THOMAS DAY and :
DONNA LEE DAY :
Defendants :

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ORDER

APPEARANCES:

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BEFORE ARTHUR N. VOTOLATO, United States Bankruptcy Judge

BK No. 02-12967; A.P. No. 02-1090; A.P. No. 02-1091

Heard on the Plaintiffs' Complaints to determine their debts nondischargeable under 11 U.S.C. § 523(a)(6). In lieu of final argument, the parties have submitted extensive post-trial memoranda. For the reasons argued by the Debtors in their Post-Trial Memorandum which I adopt and incorporate herein by reference (Document No. 31), I find that the Plaintiffs have failed to establish the elements of their case by a preponderance of the evidence. See *Grogan v. Garner*, 498 U.S. 279. Accordingly, the Complaints are DENIED, the debts are determined to be dischargeable, and judgment shall enter in favor of the Debtors. I decline the Debtors' invitation to award them attorney's fees in this matter.

Enter Judgment consistent with this Order.

Dated at Providence, Rhode Island, this 4th day of November, 2003.



Arthur N. Votolato
U.S. Bankruptcy Judge