

**United States Bankruptcy Court
Northern District of Illinois
Eastern Division**

Transmittal Sheet for Opinions

Will this opinion be published? NO

Bankruptcy Caption: In re Naomi Portia Levine

Bankruptcy No.: 14 B 10740

Adversary Caption: Amit Trivedi v. Naomi Portia Levine

Adversary No.: 14 A 00461

Date of Issuance: December 16, 2014

Judge: Carol A. Doyle

Appearance of Counsel:

Attorney for Plaintiff: Michael P. Tomlinson; Michael Munley;
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United States Bankruptcy Court, Northern District of Illinois

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|------------------------|--|----------------------|------------|
| Name of Assigned Judge | Carol A. Doyle | Case No. | 14 B 10740 |
| DATE | December 16, 2014 | ADVERSARY NO. | 14 A 00461 |
| CASE TITLE | Amit Trivedi v. Naomi Portia Levine; In re Naomi Portia Levine | | |

DOCKET ENTRY TEXT

Debtor's motion to dismiss the complaint is granted with prejudice. The request for leave to amend the complaint is denied.

[For further details see text below.]

STATEMENT

The debtor, Naomi Portia Levine, has moved to dismiss the adversary complaint filed against her by creditor Amit Trivedi for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Trivedi seeks a determination of nondischargeability of a debt under 11 U.S.C. § 523(a)(4) and (a)(6). He also seeks to deny Levine a discharge under 11 U.S.C. § 727(a)(2)(A). The motion to dismiss is granted.

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I. Motion to Dismiss

Rule 12(b)(6) of the Federal Rules of Civil Procedure applies to adversary proceedings through Rule 7012(b) of the Federal Rules of Bankruptcy Procedure. In ruling on a motion to dismiss under Rule 12(b)(6), a court must accept the factual allegations of the complaint as true and draw all reasonable inferences in the plaintiff's favor. *Massey v. Wheeler*, 221 F.3d 1030, 1034 (7th Cir. 2000). While a complaint need not contain detailed allegations, the plaintiff must provide "more than labels and conclusions, and a formulaic recitation of a cause of action's elements will not do." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). A motion to dismiss tests the sufficiency of the complaint, not the merits of the case. *Mutual Management Services, Inc. v. Fairgrievies, IV (In re Fairgrievies, IV)*, 426 B.R. 748, 756 (Bankr. N.D. Ill. 2010), citing *Gibson v. City of Chicago*, 910 F.2d 1510, 1520 (7th Cir. 1990).

II. The Complaint

Trivedi alleges the following facts. Levine was the sole shareholder of Tipsycake, Inc. In 2011, Trivedi periodically loaned money to Levine and Tipsycake, which Levine used to pay for start-up costs and operations for Tipsycake's cake design and baking services. Levine promised to repay the loan, including paying Trivedi 20% of Tipsycake's profits. The loan agreement was memorialized by the maintenance of a spreadsheet by Levine showing the amounts borrowed and the amounts repaid. Levine repaid all but \$20,804 of a \$49,145 loan. In January 2012, Trivedi opened an American Express business credit card account that Levine was authorized to use for business purchases. Levine agreed to pay the charges on a monthly basis and did so for 22 months. In September of 2013, Levine stopped paying the charges because she wrongfully blamed Trivedi for an investigation against her by the Illinois Department of Labor. Trivedi owes \$18,500 on the American Express card. In October 2013, Levine sold the assets of Tipsycake to Tipsycakes and More, LLC. Tipsycake was dissolved on June 13, 2014.

The complaint contains three counts. Count I seeks to deny Levine a discharge of any debts under 11 U.S.C. § 727(a)(2) because she transferred the assets of Tipsycake with the intent to hinder, delay or defraud Trivedi. Count II seeks a determination that Levine's debt to Trivedi is nondischargeable under 11 U.S.C. § 523(a)(4) because Levine obtained money and credit from Trivedi through embezzlement or larceny. Count III seeks a determination that Levine's debt to Trivedi is nondischargeable under 11 U.S.C. § 523(a)(6) because Levine intended to injure Trivedi. Levine has moved to dismiss all three counts.

III. Count I - § 727(a)(2)(A)

Levine argues that Trivedi has failed to state a claim under § 727(a)(2)(A) because the assets of Tipsycake were not property of the debtor. To state a claim under § 727(a)(2)(A), the objecting party must allege four elements: (1) the debtor transferred, removed, destroyed,

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mutilated, or concealed property; (2) belonging to the debtor; (3) within one year of filing the petition; (4) with the intent to hinder, delay, or defraud a creditor of the estate. *In re Campbell*, 475 B.R. 622, 632 (Bankr. N.D. Ill. 2012) (citing *In re Kontrick*, 295 F.3d 724, 736 (7th Cir. 2002), *aff'd*, 540 U.S. 443, 124 S.Ct. 906, 157 L.Ed.2d 867 (2004)).

A. Property of the Debtor

Although the allegations of the complaint are somewhat confusing, Trivedi alleges that Levine “concealed” her interest in the assets of Tipsycake by selling its assets to another entity in which she also has an ownership interest. Complaint, Par. 26, 34. Trivedi explains in his response to the motion that the objection to discharge is based on Levine’s transfer “of her assets in an attempt to hinder, delay, or defraud Trivedi’s ability to collect on the money owed to him.” Mem. in Opposition, p. 2. Thus, the gravamen of Count I of the complaint is that Levine’s discharge should be denied based on her transfer of the assets owned by Tipsycake to another entity.

These allegations are insufficient to state a claim under § 727(a)(2)(A). When a debtor owns shares of a corporation, the shares are property of the debtor that become property of the bankruptcy estate when the bankruptcy is filed, but the assets of the corporation are not assets of the debtor and do not become property of the bankruptcy estate. *See, e.g., In re Thurman*, 901 F.2d 839, 841 (10th Cir. 1990). The assets of Tipsycake were not assets of Levine. *See Wan Ho Industrial Co., Ltd. v. Hemken (In re Hemken)*, 513 B.R. 344, 361 (Bankr. E.D. Wis. 2014), citing *In re Thurman*, 901 F.2d at 84. Therefore, the alleged sale of Tipsycake’s assets was not a sale of property of the debtor as required under § 727(a)(2)(A).

In his response to the motion, Trivedi acknowledges the general rule that the assets of a corporation owned by a debtor are not considered property of the debtor for purposes of § 727(a)(2)(A). He nonetheless attempts to distinguish the cases cited by Levine, and he also argues that there is an exception to the rule based on state law principles of alter ego. Neither argument is persuasive.

Trivedi first argues that each of the cases cited by Levine holding that the assets of a corporation owned by the debtor are not property of the debtor are distinguishable from this case. He contends that *Thurman* is distinguishable because the debtor in that case was only the 50% owner of the business, whereas Levine owned 100% of Tipsycake. *Thurman* leaves no room for a different result in this case. In *Thurman*, the debtor owned 50% of the shares of a corporation. The creditor had a lien on the assets of that corporation. The corporation transferred its assets to a subsidiary against whom the creditor had no lien. The creditor argued that the transfer of assets from the original corporation to the subsidiary fell within § 727(a)(2)(A). The court noted that under the creditor’s theory, a debtor who owned a share of stock would bring into the bankruptcy estate under § 541(a)(1) not only the value of the share, but also “a liquidatable

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interest of any asset owned by that corporation.” 901 F.2d at 841. The court held that such an expansive view was beyond the scope of § 541(a). *Id.* The court then rejected the creditor’s argument that the transfer of assets by the corporation could be a basis for the denial of discharge to the shareholder-debtor, holding that “Congress intended to limit the reach of § 727(a)(2)(A) only to those transfers of property in which the debtor has a direct proprietary interest.” *Id.* at 841. It further held that the fact that the transfer of property of a corporation owned by the debtor has an incidental effect upon the debtor’s assets, *i.e.*, resulting in a decrease in the value of the shares of the corporation, does not bring the property within § 727(a)(2)(A). *Id.* The court noted that even if the transfer of assets by the corporation involved fraud, that would not provide a basis for denying a discharge under § 727(a)(2)(A). 901 F.2d at 840, n. 2. The court’s analysis did not depend on the number of shares the debtor owned in the corporation that made the transfers. The bankruptcy estate simply did not have an interest in the assets of a corporation owned by a debtor, and the transfer of assets by such a corporation could not support a claim against a debtor-shareholder under § 727(a)(2)(A). *Thurman* compels the conclusion that the transfer of assets by Tipsycake was not a transfer of property of Levine and, therefore, cannot form the basis for the denial of a discharge under § 727(a)(2)(A).

Trivedi’s efforts to distinguish the other cases cited by Levine are equally unavailing. Each holds that transfers by a corporation in which a debtor owns stock is not a valid ground for a denial of discharge under § 727(a)(2)(A). *Wan Ho Indus. Co., Ltd.*, 513 B.R. at 361 (no § 727(a)(2)(A) claim based on transactions of corporation in which debtor owned shares and was an officer); *Suarez v. Alonso (In re Alonso)*, 2012 Bankr. Lexis 5634 at * 18 (Bankr. D.N.J. 2012) (“perfecting of liens against the Company’s assets cannot form the basis for denying the Debtor a discharge because that was not a transfer of property of the Debtor, but rather property of the company” when the debtor was sole owner of corporation); *BPS Guard Services, Inc. v. Myrick (In re Myrick)*, 172 B.R. 633, 638 (Bankr. D. Neb. 1994) (following *Thurman* in holding that § 727(a)(2)(A) does not apply to the transfer of assets by a corporation owned by the debtor).

B. Alter Ego

Trivedi also argues that this case falls within an exception to the general rule that the transfer of assets of a corporation in which a debtor owns stock cannot form a basis for denial of discharge under § 727(a)(2)(A). He contends that a court can treat the assets of a corporation as property of the debtor when the corporation is the debtor’s alter ego. This argument fails for two reasons: Trivedi has not alleged any facts in the complaint that support his alter ego theory, and the plain language of § 727(a)(2)(A) does not permit such an exception.

First, Trivedi has not alleged any factual basis for concluding that Tipsycake was the alter ego of Levine. All the factual allegations regarding this claim relate to the alleged

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fraudulent transfer by Tipsycake, which do not provide a factual basis for ignoring the corporate form of Tipsycake.

Second, the plain language of § 727(a)(2)(A) requires that the property transferred, removed, destroyed, mutilated or concealed must be *property of the debtor*. 11 U.S.C. § 727(a)(2)(A).¹ Thus, the provision applies only to property owned by the debtor, not to property owned by any other person or entity. Trivedi cites only three cases for the proposition that alter ego principles should be applied to expand the reach of § 727(a)(2)(A) to property owned by non-debtors, none of which is persuasive.

The first case cited by Trivedi, *Neary v. Mosher (In re Mosher)*, 417 B.R. 772, 785 (Bankr. N.D. Ill. 2009) (Barbosa, J.), does not address either the general principle discussed in *Thurman* or any exception to that principle. Instead, when evaluating the broad array of evidence against the debtor in a claim under § 727(a)(2)(A), the court noted that the debtor sold a van that was titled in the name of a corporation owned by him but was property of the bankruptcy estate. In a footnote, the court recognized that the corporation was a separate entity but discussed the inconsistencies of the debtor's positions regarding the corporation in his schedules as evidence of an intent to conceal income and assets. The court did not hold that a debtor can be denied a discharge under § 727(a)(2)(A) based solely on transactions of a corporation whose shares were owned by the debtor, and it makes no reference at all to this legal issue.

The next case cited by Trivedi, *Moeckler v. Strasnick (In re Strasnick)*, 256 B.R. 330, 339 (Bankr. M.D. Fla. 2000), also does not discuss either the general principle set forth in *Thurman* or an exception to it. Instead, the court held that a debtor involved in numerous transfers among various parties should be denied a discharge under § 727(a)(2)(A) based in part on transfers that the debtor caused to be made by a corporation in which he owned shares to preferred creditors, including himself. The court recognized that the property transferred did not belong directly to the debtor but considered the transfer relevant anyway because it somehow impacted creditors. The court decision is unpersuasive.

¹Section 727(a)(2)(A) provides:

- (a) The court shall grant the debtor a discharge, unless -
 - (2) The debtor, with intent to hinder, delay, or defraud a creditor . . . has transferred, removed, destroyed, mutilated, or concealed, ... -
 - (A) property of the debtor, within one year before the date of the filing of the petition; . . .

11 U.S.C. § 727(a)(2)(A).

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Finally, Trivedi cites *Blomberg, et al. v. Riley (In re Riley)*, 351 B.R. 662 (Bankr. E.D. Wis. 2006), in which the court applied a reverse piercing theory to a claim under § 727(a)(2)(B) for unauthorized, post-petition transfers of property of the bankruptcy estate. The court relied on two other bankruptcy decisions that applied alter ego theories to disregard the corporate form and deny a debtor a discharge for failure to disclose assets of a corporation or transferring assets of a corporation deemed to be the alter ego of the debtor. *Schnittjer v. Skillen (In re Skillen)*, 2004 WL 764675 (Bankr. N.D. Iowa 2004); *Dublina of America v. Sklarin (In re Sklarin)*, 69 B.R. 949 (Bankr. S.D. Fla. 1987). Neither case discussed why state law regarding alter ego should be applied to a key provision of the Bankruptcy Code that determines whether a debtor is entitled to a discharge of any of his debts.

The court has found other decisions applying alter ego and reverse piercing principles to § 727(a)(2). Most do not explain why these state law theories should be applied to § 727(a)(2). Only one court, in *United States Trustee v. Zhang (In re Zhang)*, 463 B.R. 66 (Bankr. S.D. Ohio 2012), engaged in any real discussion of the issue. The *Zhang* court noted that courts have “borrowed” from alter ego and reverse piercing theories when interpreting § 727(a)(2)(A) and (a)(4) as “an extension of the age old maxim of law that ‘equity’ regards substance rather than form.” It further observed that bankruptcy courts, “as courts of equity or otherwise using their equitable powers, may look through the form to the substance.” *Id* at 79. By relying on principles of equity, the court indirectly recognized that there is no support in the statutory language for applying § 727(a) to assets that are not property of the debtor. Indeed, courts have simply blurred the lines between § 727(a)(2) and state law concepts of alter ego and reverse piercing to address egregious factual situations without considering the actual language of the statute and the other tools available to trustees and creditors to address the situations. The Seventh Circuit has repeatedly cautioned bankruptcy courts against importing equitable principles or acting as “courts of equity” instead of simply construing the provisions of the Bankruptcy Code as written by Congress. *See, e.g., Sunbeam Products, Inc. v. Chicago American Manufacturing*, 686 F.3d 372, 375-76 (7th Cir. 2012); *Disch v. Rasmussen*, 417 F.3d 769, 777 (7th Cir. 2005); *In re Kmart Corp.*, 359 F.3d 886, 871 (7th Cir. 2004); *In re Greenig*, 152 F.3d 631, 635 (7th Cir. 1998).

Section 727(a)(2)(A) by its own terms applies only to “property of the debtor,” not to property of a corporation owned or controlled by the debtor that a bankruptcy court may later deem to be the alter ego of the debtor. Congress chose this simple and direct language in § 727(a)(2)(A), and most courts have applied it as written. *See, e.g., Northeast Nebraska Econ. Devel. District v. Wagner (In re Wagner)*, 305 B.R. 472, 475 (8th Cir. BAP 2004) (“Had Congress intended to include the transfer of property of another, it could have included that, but the language of subsection (2)(A) is sufficiently clear to eliminate such an interpretation.”); *Thurman*, 901 F.2d at 841 (property of the debtor is not the same as property in which the debtor has a derivative interest and the language of the statute does not allow for such an interpretation); *Wan Ho Indus. Co., Ltd.*, 513 B.R. at 361 (same); *In re Lehmann*, 511 B.R. 729,

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735 (Bankr. M.D. Pa. 2014) (“727(a)(2)(A) is concerned with the disposition of property in which the debtor has a direct property interest.”); *Miller v. Scott (In re Scott)*, 462 B.R. 735, 742-43 (Bankr. D. Alaska 2011) (fraudulent transfer by a corporation of the debtor does not justify denial of discharge and the statute does not provide for veil piercing or alter ego theories); *Myrick*, 172 B.R. at 638 (“Section 727(a)(2) applies only to the transfer of property of the debtor or the bankruptcy estate.”); *CIT Group/Factoring Mfrs. Hanover, Inc. v. Srouf (In re Srouf)*, 138 B.R. 413, 419-20 (Bankr. S.D.N.Y. 1992) (fraudulent transfer by corporation owned by debtor does not provide basis for denial of debtor’s discharge).²

Congress created other remedies for dealing with fraudulent transfers, including §§ 548 and 544(b). 11 U.S.C. §§ 544(b), 548. Trustees may also pursue the assets of a corporation owned by a debtor under alter ego or reverse piercing theories in actions that do not involve denial of a discharge to the debtor. Expanding the reach of § 727(a)(2)(A) beyond the statutory language exposes debtors to the most serious consequence available under the Bankruptcy Code - denial of discharge - for failing to predict accurately how a bankruptcy court may apply alter ego or reverse piercing principles to his corporation. The court will interpret the statute as written to apply only to assets owned by the debtor. Thus, even if Trivedi had alleged a factual basis for applying alter ego principles to Levine and Tipsycake, he would fail to state a claim under § 727(a)(2)(A). Count I must be dismissed.

IV. Count II - § 523(a)(4)

In Count II, Trivedi seeks a determination that the debt owed to him by Levine is nondischargeable under § 523(a)(4) of the Bankruptcy Code based on her use of his American Express card when she had no intention of repaying him. To state a claim under § 523(a)(4), a creditor must plead that the debtor committed (1) fraud or defalcation while acting as a fiduciary, (2) embezzlement, or (3) larceny. 11 U.S.C. § 523(a)(4). Count II mentions larceny and embezzlement but never expressly identifies the claim under § 523(a)(4) Trivedi is asserting. In his response to the motion, Trivedi discusses only embezzlement, so the court presumes this is the basis for his claim.

²In *Wellness Intl. Network v. Sharif (In re Sharif)*, 727 F.3d 751 (7th Cir. 2013), the Seventh Circuit addressed whether a bankruptcy court has the constitutional authority to adjudicate as a core matter an alter ego claim seeking to bring into an individual debtor’s bankruptcy estate the assets of a trust. While the court addressed in passing some alter ego allegations apparently made in connection with one of the claims under § 727(a), the parties did not raise and the court did not address whether alter ego or reverse piercing doctrines under state law should be applied to § 727(a)(2). *Id.* at 776.

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Trivedi alleges in Count II that Levine “knowingly used the American Express card for an unauthorized purpose: to incur charges which Levine had no intention of paying” and that “Levine intended to convert the credit available for her own purpose, namely keeping Tipsycake in business until she could transfer its assets in a transaction that would enable her to continue to run the operations and reap benefits from the assets.” Complaint, Par. 39-40. Levine moves to dismiss this claim because “Trivedi has literally pled himself out of court” by alleging that Levine used the American Express card exactly as Trivedi authorized her to use it - funding the operations of Tipsycake. The court agrees.

Embezzlement is the “fraudulent appropriation of property by a person to whom such property has been entrusted or into whose hands it has lawfully come.” *In re Weber*, 892 F.2d 534, 538 (7th Cir. 1989) (internal quotation omitted); *see also Fischer Inves. Capital, Inc. v. Cohen (In re Cohen)*, 334 B.R. 392, 399 (Bankr. N.D. Ill. 2005), *aff’d on other grounds*, No. 06 C 3190, 2006 WL 4991323 (N.D. Ill. Aug. 7, 2006), *aff’d*, 507 F.3d 610 (7th Cir. 2007). Larceny, by contrast, is the taking of another’s property “wrongfully and with fraudulent intent.” *Kaye v. Rose (In re Rose)*, 934 F.2d 901, 903 (7th Cir. 1991).³ Embezzlement differs from larceny in that the original taking of the property was lawful or occurred with the owner’s consent. *Rae v. Scarpello (In re Scarpello)*, 272 B.R. 691, 703 (Bankr. N.D. Ill. 2002).

Thus, to allege a viable claim for embezzlement, Trivedi must allege that Levine took his property for her own benefit. Trivedi alleges, however, that the American Express charges made by Levine were used for business purposes just as Trivedi intended. Complaint, Par. 22. He states that, after paying the charges for 22 months, Levine incurred charges starting in September 2013 and continuing until the business was sold in October 2013 without intending to repay them so she could sell the business. Thus, the essence of Trivedi’s claim is that Levine continued to charge the expenses of the business on the American Express card so she could keep the business going for another month as she prepared to sell it. The charges were thus within the authorization Trivedi gave to Levine. There is no allegation that she charged anything other than business expenses on the card. While Trivedi’s allegations may support a claim for intentional breach of their oral contract, they are insufficient to state a claim for embezzlement because she had Trivedi’s authorization to use the credit card for business expenses. He therefore fails to state a claim under § 523(a)(4).

V. Count III - § 523(a)(6)

In Count III, Trivedi alleges that the debt owed to him by Levine is nondischargeable under § 523(a)(6) of the Bankruptcy Code, 11 U.S.C. § 523(a)(6). To state a claim under

³Trivedi can allege no potential claim for larceny because he admits he authorized Levine to use his credit card to fund her business. Complaint, Par. 19.

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§ 523(a)(6), a creditor must plead and prove that: (1) the debtor intended to and caused an injury to the creditor's property interest; (2) the debtor's actions were willful; and (3) the debtor's actions were malicious. *Fairgrievies*, 426 B.R. at 756. To plead "willfulness," a creditor must plead that the debtor actually intended to harm the creditor and not merely that the debtor acted intentionally and the creditor was therefore harmed. To plead "malice," a creditor must plead that the alleged act was performed "in conscious disregard of one's duties or without just cause or excuse . . ." *Id.* at 757, citing *In re Burke*, 398 B.R. 608 (Bankr. N.D. Ill. 2008). In addition, a plaintiff must plead the elements of a tort recognized under state law. *Lockerby v. Sierra*, 535 F.3d 1038, 1040 (9th Cir. 2008). Section 523(a)(6) "does not apply to breaches of contract, even intentional ones. To state a claim under section § 523(a)(6), a creditor must allege conduct amounting to an independent tort." *In re Braverman*, 463 B.R. 115, 119 (Bankr. N.D. Ill. 2011).

Trivedi fails to allege that Levine committed any tort. Instead, his claim under § 523(a)(6) is based on the freestanding allegation that he suffered a willful and malicious injury from Levine's use of the credit card. The essence of Trivedi's claim is that, after 22 months of honoring their oral agreement, she intentionally breached it by making charges during one month that she did not intend to repay. These allegations are insufficient to support a claim under § 523(a)(6). Count III must be dismissed.

VI. Request for Leave to Amend

In his response to Levine's motion, Trivedi requests leave to amend the complaint if the court grants Levine's motion. Although leave to amend is usually freely granted, Rule 7015 of the Rules of Bankruptcy Procedure does not mandate that leave be granted in every case. *Park v. City of Chicago*, 297 F.3d 606, 612 (7th Cir. 2002). Leave should be denied when it appears that amendment is futile. *Airborne Beepers & Video, Inc. v. AT&T Mobility LLC*, 499 F.3d 663, 666 (7th Cir. 2007), citing *Foman v. Davis*, 371 U.S. 178, 182 (1962). Amendment is futile when the proposed amendment would be dismissed. *Hall v. United Insurance Co. of America*, 367 F.3d 1255, 1263 (11th Cir. 2004).

Trivedi asserts that he has uncovered additional facts about the alleged fraudulent transfer of Tipsycake's assets and that he could give more details about that transaction. In light of the court's conclusion above that evidence of a fraudulent transfer made by a corporation owned by the debtor cannot provide the factual basis for denial of a discharge under § 727(a)(2)(A), amending to add details regarding this alleged transfer would be futile. In addition, Trivedi himself alleges that Levine used the money and credit he provided for the business, which is inconsistent with an alter ego theory. Trivedi's own allegations also make it clear that he has no valid claim under § 523(a)(4) or (a)(6). There is no potential claim for embezzlement or larceny because Trivedi authorized the use of the American Express card for Levine's business, and an intentional breach of contract can never form the basis for a claim under § 523(a)(6). Like many creditors in bankruptcy cases, Trivedi is attempting to fit an intentional breach of contract, which

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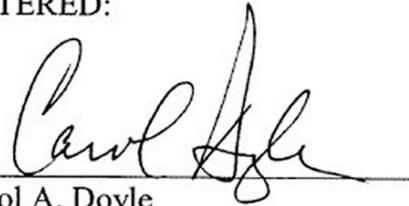
is dischargeable, into one of the exceptions to discharge. Amending the complaint cannot fix the problem. The request to amend is denied.

VII. Conclusion

For the reasons stated above, all three counts of Trivedi's complaint are dismissed with prejudice. The request for leave to amend is denied.

Dated: December 16, 2014

ENTERED:

A handwritten signature in cursive script, appearing to read "Carol A. Doyle", written over a horizontal line.

Carol A. Doyle
United States Bankruptcy Judge