

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 20 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: STANLEY HERBERT BRODY,

No. 17-60038

Debtor,

BAP No. 15-1315

LYNN H. CHOU,

MEMORANDUM*

Appellant,

v.

STANLEY HERBERT BRODY,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel

KURTZ, BRAND, and SPRAKER, ** Bankruptcy Judges, Presiding

Submitted November 14, 2018***
San Francisco, California

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Gary A. Spraker, Chief Bankruptcy Judge for the District of Alaska, sitting by designation.

*** The panel unanimously concludes that this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: THOMAS, Chief Judge, M. SMITH, Circuit Judge, and BUCKLO, ****
District Judge.

Creditor Lynn H. Chou (“appellant”) appeals the Bankruptcy Appellate Panel’s (“BAP”) judgment affirming the denial of her adversarial claims that certain debts owed to her by Stanley H. Brody (“appellee”) were nondischargeable under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6). We afford great deference to the bankruptcy court’s assessment of appellee’s trial testimony, *Retz v. Samson (In re Retz)*, 606 F.3d 1189, 1196 (9th Cir. 2010) (citation omitted), and conclude that its determination that appellee acted in good faith is not clearly erroneous. On the record before it, the bankruptcy court correctly held that appellant had not established either fraud or a willful and malicious intent to injure her.

AFFIRMED.

**** The Honorable Elaine E. Bucklo, United States District Judge for the Northern District of Illinois, sitting by designation.