

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

In Re:	)	
	)	
RICHARD D. HORNE and	)	
PATRICIA NELSON HORNE,	)	
	)	
Debtors,	)	
	)	
MARY BETH MANTIPLY,	)	
	)	CIVIL ACTION NO. 13-00258-CB-B
Plaintiff/Appellant,	)	
	)	
v.	)	
	)	
RICHARD D. HORNE and	)	
PATRICIA NELSON HORNE,	)	
	)	
Defendants/Appellees.	)	

**ORDER**

Appellees have filed a motion for award of additional attorneys’ fees in connection with the second of two appeals. (Doc. 69.) Appellant has filed an objection to the motion. By separate opinion entered this date, this Court has once again affirmed the decision of the bankruptcy court. However, Appellees are not entitled to recover attorneys’ fees incurred in the second appeal.

In support of their motion, Appellees argue that “[a]ppellate attorneys’ fees and costs are recoverable herein under this Court’s order of October 28, 2013 (Doc. 36), adopting the holding of *Parker v. Pioneer Credit Co. of Ala. (In re Parker)*, 419 B.R. 474, 476 (M.D. Ala. 2009), that appellate attorneys’ fees constitute continuing mandatory damages in the appeal of the Bankruptcy Court herein.” (Appellees’ Mot. ¶ 1.) To be clear, that order held that attorneys’ fees were mandatory and

recoverable on appeal under 11 U.S.C. § 362(k) and *Parker* for violation of the *automatic stay*.<sup>1</sup> The second appeal (for which Appellees now seek additional attorneys' fees) involves violation of the *discharge injunction*.<sup>2</sup> Neither *Parker* nor the Court's prior order authorizes recovery of attorneys' fees incurred on appeal of sanctions for violation of the discharge injunction.

The motion is, therefore, **DENIED**.

**DONE** and **ORDERED** this the 8<sup>th</sup> day of April, 2014.

*s/Charles R. Butler, Jr.*  
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**Senior United States District Judge**

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<sup>1</sup> The first appeal involved violations of both the automatic stay and the discharge injunction.

<sup>2</sup> See Opinion of April 8, 2014, at 13.