

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

BLAZENA BOGDAN,

Defendant.

NO: CV-12-449-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80278-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANT BLAZENA BOGDAN

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

1 Attorneys for
Judgment Creditor: Witherspoon Kelley

2 Judgment Debtors: Blazena Bogdan

3 Principal Amount of
4 Judgment: \$142,531.37 CAD
\$ 250.00 US

5 Interest on Judgment: Weekly Average of One-Year Constant Maturity
6 (nominal) treasury yield as published by the
7 Federal Reserve System (28 U.S.C. § 1961)

8 The Court, having previously entered an Order Adopting the Bankruptcy
9 Court's Report and Recommendation and Order of Default against Defendant
10 Blazena Bogdan, ECF No. 21, and being fully advised in the premises,

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
12 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
13 Trustee for LLS America, LLC, shall have a judgment against Defendant Blazena
14 Bogdan, as follows:

15 1. Monetary Judgment in the amount of CAD \$142,531.37, pursuant to 11
16 U.S.C. § 550 and RCW 19.40.071;

17 2. Transfers in the amount of CAD \$85,923.32 made to the Defendant
18 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff
19 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
20 550, 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

1 3. Transfers in the amount of CAD \$56,608.05 made to Defendant more
2 than four years prior to the Petition Filing Date should be avoided and Plaintiff
3 should be authorized to take all necessary action to preserve the same, pursuant to
4 11 U.S.C. §§ 544, 550, and 551 and RCW 19.40.041(1) and RCW 19.40.071

5 4. All said transfers to Defendant Blazena Bogdan are hereby set aside and
6 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant
7 Blazena Bogdan for the benefit of the estate of LLS America, pursuant to 11
8 U.S.C. §§ 544, 550, and 551;

9 5. All proofs of claim of Defendant which have been filed or brought or
10 which may hereafter be filed or brought by, on behalf of, or for the benefit of
11 Defendant Blazena Bogdan or any affiliated entities, against the Debtor's estate, in
12 this bankruptcy or related bankruptcy proceedings, are hereby disallowed and
13 subordinated to the monetary judgment granted herein and Defendant Blazena
14 Bogdan shall not be entitled to collect on her proofs of claim (Claim Nos. 60-1 and
15 477-1) until the monetary judgment is satisfied by Defendant Blazena Bogdan in
16 full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1), and 105(a);

17 6. A constructive trust is hereby established over the proceeds of all
18 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

19 7. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00
20 USD, for a total judgment of CAD \$142,531.37, plus \$250.00 USD, which shall

1 bear interest equal to the weekly average of one-year constant maturity (nominal)
2 treasury yield as published by the Federal Reserve System.

3 The District Court Clerk is directed to enter this Judgment and provide
4 copies to counsel, Defendants, and Judge Patricia C. Williams and **close** this case.

5 **IT IS SO ORDERED.**

6 **DATED** this 16th day of September 2013.

7
8 *s/ Rosanna Malouf Peterson*
9

ROSANNA MALOUF PETERSON
Chief United States District Court Judge