

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re

STEFANIE KIM KUEHN,

Debtor.

CARDINAL STRITCH UNIVERSITY, INC.,

Plaintiff-Appellant,

v.

STEFANIE KIM KUEHN,

Defendant-Appellee.

ORDER

07-cv-00368-bbc

On December 4, 2007, this court affirmed the decision of the United States Bankruptcy Court for the Western District of Wisconsin in a contested matter raised on appeal by creditor Cardinal Stritch University, Inc. The issues before the court on appeal included whether creditor had violated the automatic stay or discharge order when it withheld debtor Stefanie Kim Kuehn's transcript. The bankruptcy court granted debtor's

request for attorney's fees for her attorney's work at that stage of the litigation. Debtor has now requested that this court grant attorney's fees for her attorney's time spent litigating her claims before this court. Debtor identifies 11 U.S.C. § 362(k) as the authority for fee shifting; the statute provides that "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorney's fees" (She cites 11 U.S.C. § 105 as well, which establishes the bankruptcy court's equitable powers.) Debtor's attorney, Patricia K. Hammel, avers that her fees total \$5,735.00; she has provided an itemized accounting of her time. Dkt. #13.

Creditor has filed a notice of appeal and is contesting the decisions of this court and the bankruptcy court, but it does not contest the amount of attorney's fees debtor now requests. Dkt. #19. I have reviewed debtor's request and find it reasonable. Therefore, debtor's motion for additional attorney's fees in the amount of \$5,735.00 is GRANTED.

Entered this 10th day of January, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge