

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re

LANAY I. DETTBARN

Case No. 02-15659 K

Debtor

DANIEL E. GOMINIAK

Plaintiff

-vs-

AP No. 02-1268 K

LANAY I. DETTBARN

Defendant

It appearing to the Court that the parties are not actually in dispute regarding the narrow issue of Bankruptcy Law posed, it is now

ORDERED that the Complaint is dismissed because the law of bankruptcy is clear and the relief sought in the Complaint is unnecessary. The discharge of the Debtor's personal obligations to third party creditors who provided health care services to Devon Gominiak cannot impede Family Court adjudication of ongoing and future support payments. The Family Court may apply credits, offsets, or other adjustments or modifications to the ongoing and future obligations of the Plaintiff and the Debtor, in light of the fact that the Debtor has been discharged of such debts. In doing so, Family Court may consider any additional liability that Plaintiff may have to such third-party providers, may alter the Plaintiff's obligations to or rights against Debtor as Family Court sees fit, given that the Debtor is now free of personal liability to pay said

third-party creditors. (See also 11 U.S.C. § 524(f) which makes it clear that a debtor may voluntarily pay any discharged debt.)

Thus the relief sought in the Complaint is unnecessary, and the Complaint is dismissed.

SO ORDERED.

Dated: Buffalo, New York
February 28, 2003

/s/ Michael J. Kaplan

U.S.B.J.