

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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IN RE:	:	
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FAITH ELYZABETH ANTONIO	:	Case No. 8:20-bk-07637-CPM
Debtor	:	Chapter 7
	:	
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DGP PRODUCTS, INC.	:	Adv. No. 8:20-ap-00537-CPM
d/b/a NUMERIC RACING	:	
Plaintiff	:	
	:	
vs.	:	
FAITH ELYZABETH ANTONIO	:	
Defendant	:	
	:	
-----	:	

U.S. Courthouse
801 North Florida Avenue
Tampa, Florida 33602
Held May 24, 2021

TRANSCRIPT OF HEARING

[Re: 8:20-bk-07637]

1-Objection to Claim 7-1 of DGP Products, Inc., d/b/a Numeric Racing, Filed by Debtor Faith Elyzabeth Antonio (Doc. #46); Response in Opposition to Objection to Claim 7-1, Filed by Allison D. Thompson on behalf of Creditor DGP Products Inc. d/b/a Numeric Racing (Doc. #47) (Related Doc. #46); Response to Objection to Claim 7-1, Filed by Debtor Faith Elyzabeth Antonio (Doc. #52) (Related Doc. #47).....

[NATURE OF PROCEEDINGS CONTINUED ON NEXT PAGE]

BEFORE THE HONORABLE CATHERINE PEEK MCEWEN
UNITED STATES BANKRUPTCY JUDGE

PROCEEDINGS DIGITALLY RECORDED BY COURT PERSONNEL
FROM IN-PERSON, ZOOM VIDEO CONFERENCE AND/OR TELEPHONE.
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[NATURE OF PROCEEDINGS CONTINUED FROM PREVIOUS PAGE]

[Re: 8:20-bk-07637 continued]

.....2-Preliminary Hearing on Motion to Enforce Automatic Stay and Request for Injunctive Relief against Daniel Geberth, Filed by Debtor Faith Elyzabeth Antonio (Doc #56); Response by DGP Products, Inc. (Doc #60); Preliminary Hearing on Amended Emergency Motion to Enforce Automatic Stay, Request to Award Sanctions for Intentional and Willful Violation of the Automatic Stay and Holding DGP Products, Inc. d/b/a Numeric Racing, DGP's Principal Daniel Geberth, and Attorneys of the Solomon Law Group in Contempt of Court, Filed by Debtor Faith Elyzabeth Antonio (Doc. #61) (Related Doc. #56)

[Re: 8:20-ap-00537]

1-Motion to Compel Plaintiff to Produce Documents from Defendant's Requests for Production of Documents and Second Amended Memorandum of Law Filed by Defendant Faith Elyzabeth Antonio (Doc. #78) (Related Docs. #46,62);
2-Motion to Overrule Discovery Objections and Compel Production of Documents, Filed by Allison D. Thompson on behalf of Plaintiff DGP Products Inc. d/b/a Numeric Racing (Doc. #80) (Related Doc. #24); Response to DGP Products Inc.'s Motion to Overrule Discovery Objections and Compel Production of Documents, Filed by Defendant Faith Elyzabeth Antonio (Doc. #86) (Related Docs. #80,81)

APPEARANCES
VIA IN-PERSON, ZOOM, AND/OR TELEPHONE

For the Plaintiff
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Also Present

Faith Antonio

1 exception of Capital One documents, and that was an error
2 in my office.

3 After the last hearing, I instructed my staff
4 to serve those. And for whatever reason, they weren't
5 provided. But if they haven't been uploaded today to
6 Ms. Antonio, they will be. I did attempt to meet and confer
7 with Ms. Antonio prior to today, but Ms. Antonio was
8 reluctant or otherwise did not choose to meet and confer
9 regarding the disputes.

10 THE COURT: Okay. Then, Ms. Antonio, besides the
11 Capital One documents, what else do you contend is missing.

12 MS. ANTONIO: They have not provided any
13 documentation as I requested that would show an employment
14 history, W-2s, anything that was paid as taxes. I had
15 requested Square -- documentation from Square merchant
16 processor, which they claim that they do not have, but from
17 what was provided through bank statements, it says that they
18 do have a Square payment processor.

19 THE COURT: Okay. You all have to -- you have to
20 meet and confer. I'm not going to --

21 MS. ANTONIO: Your Honor --

22 THE COURT: I don't entertain discovery disputes
23 unless you've met and conferred because I think --

24 MS. ANTONIO: Your Honor, can I -- may I speak for
25 a moment with that?

1 THE COURT: No. You should have worked this out.

2 MS. ANTONIO: They requested -- excuse me?

3 THE COURT: You should have worked this out.

4 MS. ANTONIO: The reasoning why that did not
5 happen is they're trying to do trickery with trying to
6 depose me by using the meet-and-confer by doing it the day
7 before the injunction meeting that I had with their client.

8 MS. THOMPSON: That's not accurate, Judge.

9 MS. ANTONIO: It is absolutely accurate.

10 THE COURT: Okay. Ms. Antonio. Ms. Antonio,
11 I cannot devote --

12 MS. ANTONIO: Yes, ma'am.

13 THE COURT: I cannot devote court resources to
14 discovery disputes. And that's all I've done in your case.

15 So give a list to Ms. Thompson of what you think
16 she has. Ms. Thompson, you please respond, do it on a Zoom,
17 do not record it. Do it on a telephone line, do not record
18 it. It would be a crime to record it if you do it on a
19 telephone line.

20 MS. THOMPSON: Yes, Your Honor. Yes.

21 THE COURT: And then if your client does not have
22 the Square One processing records, tell her why. Because if
23 it's in his records, he must have it or an explanation for
24 same for why he doesn't.

25 MS. THOMPSON: It was provided to Ms. Antonio on

1 May 5th, Your Honor. We've provided all of the employment
2 records we have, which are 1099s.

3 THE COURT: Okay.

4 MS. THOMPSON: Ms. Antonio is stating that
5 I'm committing fraud by providing what DGP has in its
6 possession. I have a list of everything that we've provided
7 and the dates that have been provided, and I'm happy to
8 provide that to Ms. Antonio.

9 THE COURT: Okay, do that. And then, Ms. Antonio,
10 check the dates, and if you dispute you got it, look in your
11 email, confirm that you didn't get it or you don't have a
12 record and ask her to send it again. And if they don't have
13 documents, they don't have documents.

14 And further, if they don't give you documents that
15 they try to use at trial, I'll keep them out. If they don't
16 have records showing that you were an employee, that works
17 against them, now, doesn't it?

18 MS. ANTONIO: Absolutely.

19 THE COURT: So don't you like it that they don't
20 have those documents? If they can't prove an element of
21 their case?

22 MS. ANTONIO: It's more that it's being heard
23 in the wrong courtroom, Your Honor.

24 THE COURT: Well, I'm here to deal with
25 nondischargeability issues, and they have brought me one.

1 All right, what about --

2 MS. ANTONIO: I would like to question that, Your
3 Honor, and that's in my (indiscernible) because they are --
4 they're making everything that is stayed currently in the
5 State Court action, so there is no debt to discharge if it's
6 not liquidated.

7 THE COURT: Ma'am, the code says I only have to
8 find that the debt is in the nature of a certain kind of
9 debt, not the amount. So it's the character of the debt.
10 And the character --

11 MS. ANTONIO: There is no debt.

12 THE COURT: They're permitted to establish a
13 *prima facie* amount of a claim. If you show that there is no
14 liability, then there is no debt; you're right. But we have
15 to have that as a threshold issue. But they don't have to
16 quantify it here.

17 MS. ANTONIO: If my former attorney has lied to
18 this Court and has acted in collusion with the Solomon Law
19 Firm and instead of filing a Motion to Dismiss, as I was
20 told that was going to happen, and instead did everything
21 and told me to stop playing victim and would not listen to
22 me, how are my rights being heard when everything has gone
23 in a manner that it's not supposed to?

24 THE COURT: It is going in a manner it's supposed
25 to. They have alleged a fraudulent debt. They now have to

1 go forward with proof. They have the burden of proof to
2 show what they allege.

3 MS. ANTONIO: And yet a criminal -- two criminal
4 -- two sheriff departments already concluded that every
5 single claim has been false and there's no evidence of
6 employment. Those (indiscernible) from Social Security
7 Administration, from the IRS, and they can only provide two.
8 And it says from the IRS that it was rejected.

9 THE COURT: Ms. Antonio --

10 MS. ANTONIO: So if you were -- if I was a full-
11 time employee --

12 THE COURT: Ms. Antonio --

13 MS. ANTONIO: I'm being shushed here.

14 THE COURT: Ms. Antonio, there's a different
15 burden of proof --

16 MS. ANTONIO: Yes, Your Honor.

17 THE COURT: -- in a criminal proceeding. You have
18 to prove beyond and to the exclusion of every reasonable
19 doubt. It's a very high bar. And prosecutors, they won't
20 do that. I mean, you see the campus rape cases. They don't
21 want to take them because it's such a high bar to meet.
22 They won't prosecute them. It doesn't mean it didn't
23 happen.

24 And in civil court, it's a preponderance of the
25 evidence. So instead of having to tip the scales like this

1 (demonstrating) on a criminal side, they only have to tip
2 the scales like this (demonstrating) to prove preponderance.
3 So that's not anything that is issue preclusive, and that's
4 not anything that's relevant for trial.

5 So they're going to prove that you stole money
6 from a company or from him. That's what their burden is.
7 And if they can't prove it, then judgment is rendered in
8 your favor. If they do prove it, if they prove that there's
9 a debt, and then they prove the character of the debt, more
10 importantly, then the debt would not be discharged and then
11 could be quantified in State Court down to the penny.
12 That's the way it works.

13 It's very standard stuff. We get 523(a)
14 complaints all the time, where one creditor thinks that the
15 Debtor didn't do something right pre-petition and they use
16 one of those 523(a)s. There's something like 22 different
17 bases for seeking an objection or objecting to discharge, an
18 exception.

19 MS. ANTONIO: I understand that, but there's also
20 protections in place before you can even do that, such as
21 asking for removal from State Court in order to even
22 litigate it into this court. How has that not happened?

23 THE COURT: It's too late now.

24 MS. ANTONIO: It's not too late.

25 THE COURT: Ma'am, do you know when the deadline

1 is for removal? And, by the way, you could have done it
2 yourself. But I would have sent it back.

3 MS. ANTONIO: You know, I had to take a little bit
4 of time to study bankruptcy law. What about subject matter
5 jurisdiction or my right to a jury trial. I never waived
6 that.

7 THE COURT: A nondischargeability determination is
8 made by the judge in bankruptcy.

9 MS. ANTONIO: So you're going to litigate it here
10 in court and then go back to State Court and relitigate it
11 again? How does that work?

12 THE COURT: They would --

13 MS. ANTONIO: You can't do that in either case.

14 THE COURT: They would quantify it. You're in
15 bankruptcy. You came here. I didn't drag you in here. You
16 came to stop something --

17 MS. ANTONIO: I understand that. This is a
18 domestic violence case where my boyfriend says, "Oh, yeah,
19 this is hers," when half the time I wasn't even in a
20 relationship with him. And I'm sitting here defending
21 myself against charges that are not even mine.

22 THE COURT: Okay. Ms. Antonio, you came here, I
23 didn't ask you to file bankruptcy. You had a strategic
24 purpose, maybe, in mind, and maybe it's not working out.

25 MS. ANTONIO: No, I'm disabled. I'm actually

1 freaking dying, so it's really hard to sit here when I have
2 nothing, and it's been like this for years. And everything
3 that's going on is just --

4 THE COURT: Well, if you get --

5 MS. ANTONIO: -- ridiculous.

6 THE COURT: If you get a discharge of your other
7 debt, I suppose you're getting some relief out of this case.
8 I don't what other debt you had. But the only debt that you
9 may not escape through this bankruptcy is just this one. It
10 depends on how it turns out.

11 MS. ANTONIO: This is not debt yet if it's not
12 liquidated.

13 THE COURT: Okay. We don't have to know what the
14 penny is. If it's a dollar --

15 MS. ANTONIO: It's not even -- it's zero. But
16 that --

17 THE COURT: Okay. Then you have the right --

18 MS. ANTONIO: So if the --

19 THE COURT: Ma'am, you have the right to prove
20 that over here. You came to bankruptcy.

21 MS. ANTONIO: That's fine. I understand that.

22 THE COURT: Okay. We're set for trial, are we
23 not?

24 COURTROOM DEPUTY: Yes.

25 THE COURT: All right.

1 MS. THOMPSON: Yes, Your Honor. We're set for
2 trial in August. At this point, discovery is still open,
3 and I need further documents for our forensic accountant to
4 complete his report.

5 THE COURT: What do you mean?

6 MS. ANTONIO: I have yet to answer that motion
7 that you just filed, Ms. Thompson.

8 MS. THOMPSON: Your Honor, I need --

9 THE COURT: I have not --

10 MS. ANTONIO: My credit report?

11 THE COURT: I haven't set the credit report for
12 hearing yet, but I will. Let me just warn you something,
13 Ms. Thompson.

14 MS. THOMPSON: Yes, Your Honor.

15 THE COURT: I really want to know what expert is
16 going to rely on a credit report because credit reports are
17 not reliable. I have credit on my credit report --

18 MS. THOMPSON: It's not necessarily relying --

19 THE COURT: Time out.

20 MS. THOMPSON: -- on the report.

21 THE COURT: I have credit reports on my personal
22 report that belong to my ex-husband's wife. I just
23 yesterday got a report that added a Bank of America account
24 that is my mother's account and that I'm not a signatory on.

25 I don't think that credit reports are really

1 something -- you're going to have a *Daubert* issue with me
2 on that.

3 If you want to know whether she has open credit
4 with a provider, you get the discovery from the provider.

5 MS. THOMPSON: Absolutely, Your Honor. But we're
6 determining whether there's accounts that we're unaware at
7 this time that would allow us to determine to track the
8 money that we believe is missing.

9 THE COURT: Okay. Well, we have federal
10 legislation that protects credit reports. And I'm not aware
11 -- and you'll have to provide me some case law that says
12 that this is a proper purpose. If Ms. --

13 MS. THOMPSON: Yes, Your Honor.

14 THE COURT: If Ms. Antonio pulled a credit report
15 coincident with filing her bankruptcy, that may be a fair
16 thing to get because she has it, or maybe Ms. Dammer has it,
17 I don't know. But in terms of getting a new one, I'm very,
18 very skeptical of your ability to persuade me on that one.
19 You've got your work to do.

20 MS. THOMPSON: Yes, Your Honor.

21 THE COURT: Especially when I know from personal
22 history how unreliable they are.

23 Okay, what is this motion to overrule discovery
24 objections? Shouldn't this be in opposition to discovery
25 objections?

1 MS. THOMPSON: Yes, Your Honor. We're looking for
2 -- Ms. Antonio, through her prior counsel, said that she
3 would provide her Amazon records. We've only been provided
4 with a couple of statements from many years ago. We'd like
5 her full Amazon records to show what items were purchased so
6 we can link that to charges that we believe were incurred by
7 Ms. Antonio through DGP that were unauthorized.

8 THE COURT: Okay. So, Ms. Antonio, why haven't
9 you given them the Amazon records?

10 MS. ANTONIO: I did not know that it was not given
11 by my former attorney.

12 THE COURT: Okay. Well, then this one's easy so
13 solve. When can you get it done?

14 MS. ANTONIO: Can you please give me two weeks?

15 THE COURT: Yes, you can have two weeks.

16 MS. ANTONIO: Thank you.

17 THE COURT: Sure. So I'll grant the Motion to
18 Overrule the Discovery Objections. Is that it, Ms. Allison
19 (sic)?

20 MS. THOMPSON: There's -- we requested loan
21 documents related to a loan with AFirm.com. We haven't
22 received those. It was indicated in the response that that
23 would be provided but we haven't received it yet.

24 THE COURT: So can I ask a question? If she said
25 she'd provide it, what objection are you talking about in

1 your Motion to Overrule Discovery Objections?

2 MS. THOMPSON: We're just asking for the
3 documents. On page 10, it says: Documents missing from
4 Defendant's production response.

5 THE COURT: Oh.

6 MS. THOMPSON: And it was the loan documents
7 related to A Firm, and Amazon purchase history. I was just
8 kind of starting from what I feel like would be the easy
9 point forward, since they indicated that we would receive a
10 response to this.

11 THE COURT: Okay. Can you get the loan docs as
12 well, Ms. Antonio?

13 MS. ANTONIO: I cannot get the loan docs from that
14 company?

15 THE COURT: How come?

16 MS. ANTONIO: I do not know how to access that.

17 THE COURT: Okay. Well, then, Ms. Thompson,
18 you'll have to get it from that company. If she doesn't
19 have them, I'm not going to go make her get them.

20 MS. THOMPSON: Yes, Your Honor. And we're
21 requesting --

22 THE COURT: And let me amend that because I don't
23 want it to be taken out of context. If she doesn't have
24 access to them, and doesn't have them, I'm not going to make
25 her go get them. So Amazon yes, loan docs no.

1 What's next? And why can't you tall talk about
2 this during your meet-and-confer?

3 MS. ANTONIO: I would prefer to wait until then.

4 THE COURT: Okay. Well, get the --

5 MS. THOMPSON: Your Honor, we were here over a
6 month ago and I've tried to reach out to Ms. Antonio for our
7 meet-and-confer. I sent her an email asking her whether
8 Zoom worked back in April. I was giving her until May so
9 she could recover from her hip surgery, as Your Honor
10 requested. I did.

11 Ms. Antonio, wrote back: "Great, sounds good."
12 "Looking towards the second week of May." I wrote back with
13 my full week's worth of availability. And then following a
14 hearing in criminal court --

15 THE COURT: Okay, you two -- you two get on the
16 phone. What's today? Today's Monday. Sometime this week,
17 you all get on the phone and you seek to understand each
18 other's position regarding these documents.

19 If you've got the ability to access your Amazon
20 account, which you do, because I've got one, I know that,
21 then push the buttons, print it out, and send it to her.
22 And then -- you know, because they want to have all this
23 before they depose you.

24 So go through -- each of you has your own wish
25 list. And I don't care who goes first, you can flip a coin.

1 Go through the list, and then the next person goes, and go
2 through the list. And come to a meeting of the minds on
3 what is or is not available and how soon you can get the
4 stuff over to the other person if they are available.
5 That's how things work out.

6 Ms. Thompson's not a monster, Ms. Antonio, okay?
7 And she may represent someone that you think is a monster,
8 but she's just doing her job.

9 MS. ANTONIO: Their actions in other court cases
10 is between lying on old court documents and trying other
11 devious things. Yes, Your Honor, I have to agree to
12 disagree on that one.

13 THE COURT: Okay, that's fine.

14 Ms. Herendeen, why are you here?

15 MS. HERENDEEN: Your Honor, there was also an
16 objection to claim that was filed by Ms. Antonio today. And
17 as a result of my not formally joining the objection, I
18 called Ms. Thompson to advise her that at today's hearing it
19 was my intent to join the objection to claim based on the
20 fact that the claim is, of course, unliquidated.

21 So similar to our more recent case of Moffitt, it
22 was my intent to make sure the Court knew that it would need
23 to be resolved and I can't close the case until it is
24 resolved.

25 I now understand that this is set for trial in

1 August, so it sounds like that will resolve the claim issue
2 at that point.

3 THE COURT: No, it won't, because for some reason
4 the creditor wants to liquidate it in State Court before a
5 jury.

6 MS. THOMPSON: Your Honor, to simplify this
7 matter, I'm happy to amend the Complaint. And once we get
8 our report back from the forensic accountant, I'll be able
9 to remove certain documents Ms. Antonio raised of the MG
10 Orlando and supplement it to add documents.

11 So I can have it liquidated here in front of this
12 -- in front of Your Honor, and I believe that would take
13 away any fear that Ms. Antonio has that we're trying to
14 litigate this matter on two separate fronts.

15 THE COURT: Well, you all --

16 MS. ANTONIO: Your Honor, the last court hearing
17 we had, Ms. Thompson said that she did not have any expert
18 witnesses at that time, and she did not disclose any.

19 MS. THOMPSON: I don't believe that's the case,
20 Your Honor. I've mentioned from day one, that we had our
21 first hearing in front of Your Honor, that we were hiring a
22 forensic accountant.

23 MS. ANTONIO: She asked you at the last hearing if
24 you had any and you said no.

25 THE COURT: Well, there's testifying witnesses and

1 there's non-testifying expert witnesses, so --

2 MS. THOMPSON: We will have a testifying expert
3 witness in this case, Brad Kanter of Kanter & Associates.

4 THE COURT: Brad Kanter?

5 MS. THOMPSON: Yes, Your Honor, of Kanter &
6 Associates.

7 THE COURT: How do you spell Kanter, with a "c" or
8 a "k"?

9 MS. THOMPSON: K-a-n-t-e-r.

10 THE COURT: All right. What does Rule 26 say
11 about disclosure of experts?

12 MS. THOMPSON: We provided that information to
13 Mr. Megna after our meet-and-confer with him.

14 THE COURT: And that was before Ms. Dammer came
15 on board?

16 MS. THOMPSON: Yes, Your Honor.

17 THE COURT: Okay. So, Ms. Antonio, you need to
18 get the file from Mr. Megna because he's had that
19 information.

20 MS. ANTONIO: Okay. So with the Rule 26, excuse
21 me, (b), where it says time for initial disclosures for
22 anybody who's added within any time, do they have an
23 obligation to disclose this to me as well at a later date,
24 as I come on representing myself?

25 THE COURT: Well, you're the same party.

1 MS. ANTONIO: Okay.

2 THE COURT: But whatever you make -- whatever
3 disclosures that she made to Mr. Megna, she probably has a
4 copy of that; she can send you that. Right, Mr. Thompson?

5 MS. THOMPSON: Absolutely.

6 THE COURT: Well, what about Rule 26 -- let's see,
7 (a)(2)(B), the disclosure of the expert witness' identity
8 has to be accompanied by the written report.

9 MS. THOMPSON: We don't have the written report
10 yet, Your Honor, because we are still conducting discovery
11 where we're still evaluating the documents that we have
12 received so far. So at this point in time, I don't have a
13 written report to produce.

14 THE COURT: Well, I think this says -- okay, the
15 time to disclose it is at least 90 days before the date set
16 for trial, unless you all have agreed otherwise. Did you
17 agree otherwise with Mr. Megna, Ms. Thompson?

18 MS. THOMPSON: I'm pulling up the disclosure now,
19 but I believe it also -- doesn't it state that, "Or a date
20 set in the pretrial order"? I don't have the rule pulled
21 up.

22 THE COURT: It says that the parties must make --
23 the party must make the disclosures at the times and in the
24 sequence that the Court orders. Absent a stipulation or a
25 court order, the disclosures must be made at least 90 days

1 before the date set for trial.

2 Now, what does the court order setting the trial
3 say? Maybe it says 30 days before trial? Let's see what it
4 says.

5 MS. THOMPSON: I'll pull up the case.

6 THE COURT: I think you all should also talk about
7 settlement. I mean, I don't know that --

8 MS. THOMPSON: Your Honor, you asked that we
9 mediate this case with Kelly Petry --

10 THE COURT: Yes.

11 MS. THOMPSON: -- May 1st or after, and I would
12 like to do that, Your Honor. I would like our report first,
13 so we can have a full idea of what we're looking at.

14 THE COURT: Okay. Because if Ms. Antonio is not
15 going to be a millionaire in the realm of reasonableness at
16 some point in her future, then what is the point of all
17 this?

18 MS. THOMPSON: Your Honor, you never know what's
19 going to happen to Ms. Antonio. She could win the lottery
20 tomorrow.

21 MS. ANTONIO: The point is for my ex-boyfriend
22 to harass me for the next 20 years of my life, which he's
23 said in other court things that he's going to make my life
24 miserable, he's going to destroy me and do whatever
25 possible, which falls in line with what I've dealt for the

1 past five years of our relationship, Your Honor.

2 MS. THOMPSON: The point is, Your Honor, that
3 circumstances can change very rapidly. And if Ms. Antonio
4 comes into money next year, Mr. Geberth has every right to
5 seek what he's lost through what he believes is fraud and
6 embezzlement.

7 MS. ANTONIO: What has he lost?

8 MS. THOMPSON: Your Honor, your order scheduling
9 trial --

10 MS. ANTONIO: (Inaudible-simultaneous talking) --
11 Universal Studios and his hair transplant procedure, Ms.
12 Thompson? That's all his transactions, Ms. Thompson.

13 MS. THOMPSON: Your Honor, your order scheduling
14 trial requires -- governs pretrial disclosure regarding
15 witnesses and use of depositions. Parties shall file and
16 exchange names, numbers, and addresses for witnesses 28 days
17 -- at least 28 days before trial.

18 THE COURT: Okay. So you all are on -- still
19 on track for that. Okay. All right. So, Ms. Herendeen,
20 it's going to be awhile, and we'll see how the pleadings
21 develop.

22 MS. HERENDEEN: Your Honor, if you'd like, should
23 I file a formal -- would you prefer it if I file a formal
24 objection? And the only reason I'm asking that as well, is
25 that it may not have been brought to your attention yet, but

1 on Friday Ms. Antonio also filed a Motion to Remove me as
2 the Trustee. And one of the claims is that I'm not
3 objecting to the proof of claim, which I had planned to
4 do at today's hearing.

5 THE COURT: Let me ask you this. What kind of an
6 estate are you sitting on?

7 MS. HERENDEEN: I have -- I also filed this
8 morning, so that Your Honor would have a copy of it, my
9 Form 1 and Form 2, which show that I have -- (audio cut
10 out). In the bank right now, I have \$7,904.70. And of
11 course, that's a matter of public record. As you mentioned
12 today, this is fully transparent, everything I do is
13 transparent.

14 The 341 meeting was recorded, she was represented
15 by counsel. The Motion to Approve Compromise was filed,
16 served, objection period passed. No objections were filed.
17 I settled. This is the funds that I received pursuant to
18 the compromise. That's a matter of public record.

19 THE COURT: How much are the filed claims, aside
20 from the one that Ms. Thompson represents?

21 MS. HERENDEEN: The total claims are about \$197,
22 roughly --

23 THE COURT: Wait.

24 MS. HERENDEEN: -- and then if we back out --

25 THE COURT: Wait. 197? Less than \$200?

1 MS. HERENDEEN: 197 roughly, but the claim filed
2 by Ms. Thompson's client accounts for 172,000 of that.

3 THE COURT: Okay, listen to me. Are you saying
4 197,000 or just 197?

5 MS. HERENDEEN: The claims are about 197,000.

6 THE COURT: Okay. Aside from Ms. Thompson's,
7 then, what are the filed claims?

8 MS. HERENDEEN: About 25,000.

9 THE COURT: Okay. Ms. Antonio, you don't even
10 have standing to object to that claim, because there's no
11 skin in the game for you. The cases are popping out all
12 over the place about a Debtor's standing.

13 MS. ANTONIO: When it comes to a dischargeability
14 action, I have a pecuniary interest in objecting to the
15 claim.

16 THE COURT: No, you don't. Disposition of estate
17 assets or delivery of estate assets to a putative creditor
18 is one track. If the estate disburses money to that
19 claimant, then your liability is reduced. It benefits
20 you to have Ms. Herendeen pay down a debt.

21 If this were a surplus case, meaning the claims
22 were less than 7,000, and the Trustee's compensation
23 together left some money on the table for you, then you
24 would have standing.

25 MS. ANTONIO: Okay. Well, since she brought the

1 Motion to Remove to the table, I would like to know where
2 the \$3,100, which is missing from the sale of my vehicle,
3 that was already paid through Carvana, but the Trustee
4 claims that she took that out to pay the creditor as well.

5 THE COURT: We'll have a hearing --

6 MS. ANTONIO: So instead of a 3,800 --

7 THE COURT: We'll have a hearing on that when we
8 schedule it. You can bring --

9 MS. ANTONIO: Okay, Your Honor.

10 THE COURT: And in the meantime, Ms. Herendeen
11 heard you and she can respond to you accordingly --

12 MS. ANTONIO: Okay.

13 THE COURT: -- and maybe iron out whatever
14 misapprehension there is there.

15 MS. HERENDEEN: Yes. I'll try my best. I
16 actually am not sure I understand her question. That's part
17 of the problem that I'm having.

18 MS. ANTONIO: There's missing \$3,100 from the
19 check that I gave you.

20 MS. HERENDEEN: The check that she gave me, I have
21 a copy of the deposit ticket. It's reflected on my Form 2
22 as being deposited. It's on the Form 2 I filed today. We
23 also emailed it to Ms. Antonio.

24 THE COURT: Okay.

25 MS. HERENDEEN: I'm at a loss.

1 MS. ANTONIO: There is -- I gave you the Carvana.
2 They took -- they paid my car lien themselves. And you
3 claim in the court document that you took the \$3,100 as well
4 to pay the same creditor.

5 MS. HERENDEEN: There are no checks --

6 MS. ANTONIO: So that \$3,100 is missing.

7 MS. HERENDEEN: There are no checks written.

8 MS. ANTONIO: It's being investigated by the
9 Federal Bureau of Investigator (sic) and another
10 organization.

11 THE COURT: No, it's not.

12 MS. ANTONIO: Okay.

13 THE COURT: No it's not.

14 MS. ANTONIO: It is actually, Your Honor. Okay.
15 That's why I talked to them. That's okay.

16 THE COURT: Okay. She has a report that shows no
17 checks have been written.

18 MS. HERENDEEN: Correct.

19 THE COURT: She can't write a check --

20 MS. ANTONIO: From --

21 THE COURT: Ma'am, she can't write a check to
22 creditors until she does her final report and it's all
23 signed off on by three or four agencies, including this
24 court.

25 MS. ANTONIO: Okay.

1 MS. HERENDEEN: Form 2 shows each transaction.

2 There is only the deposit and the bank fees. There are no
3 checks written from my bank account.

4 MS. ANTONIO: So your offer and compromise is the
5 misstated \$3,100 that you took out from the \$7,900? There
6 was just a -- it was just an oversight from that written?

7 THE COURT: Ma'am, ma'am, you're going to have to
8 investigate the bona fides of your arguments before you go
9 into this. If she didn't write a check --

10 MS. ANTONIO: I have.

11 THE COURT: Then you show me a check, ma'am. I
12 want you to file it.

13 MS. ANTONIO: It's in my motion that I had filed
14 with it, Your Honor.

15 THE COURT: You have a copy of the check that she
16 wrote?

17 MS. ANTONIO: I have a copy of the check that
18 Carvana provided that the lien was paid --

19 THE COURT: Okay. If she didn't --

20 MS. ANTONIO: -- before they'd given it me.

21 THE COURT: If she didn't write the check, then
22 she didn't write the check. You'd better be prepared to
23 show me a check that she wrote if you're going to maintain
24 this argument.

25 MS. ANTONIO: Well, if she maintained that this is

1 what she did in her court filings, then why would she claim
2 one thing on a court filing and --

3 THE COURT: Her filing shows no checks disbursed.
4 It's up to you to bring me a copy of the check that you
5 allege that she disbursed.

6 And I'll tell you, a pro se litigant doesn't have
7 the leeway to make up stuff, so be prepared.

8 MS. ANTONIO: I'm not making anything up, Your
9 Honor.

10 THE COURT: Be prepared to show me a check. All
11 right, we'll schedule that for hearing, so --

12 MS. ANTONIO: I would like to put a Motion to
13 Recuse you off of bias, Your Honor, so I would like the ten
14 days --

15 THE COURT: Ma'am, let me --

16 MS. ANTONIO: -- in order to prepare my motion.

17 THE COURT: I'll be addressing that, but adverse
18 rulings are no reason for a disqualification.

19 MS. ANTONIO: No, there's more than that. It's
20 from the past couple of actions that I have --

21 THE COURT: Adverse rulings --

22 MS. ANTONIO: -- that I have seen in this court.

23 THE COURT: Adverse rulings are no grounds for
24 disqualification.

25 MS. ANTONIO: This is not about a ruling. This is

1 about the conduct towards me --

2 THE COURT: Ma'am, you are multiplying --

3 MS. ANTONIO: -- in this courtroom.

4 THE COURT: You are multiplying the proceedings by
5 not conferring today, for example. We maybe could have had
6 a very short hearing on the discovery motions if we could
7 eliminate the wheat from the chaff. You're not cooperating,
8 and you need to.

9 MS. ANTONIO: How can I cooperate when this is a
10 frivolous lawsuit when there's multiple characters --

11 THE COURT: Ma'am, I know your position.

12 MS. ANTONIO: -- and lawyers against me --

13 THE COURT: I know that --

14 MS. ANTONIO: -- and lying in every single court
15 document in here --

16 THE COURT: I know that you believe that --

17 MS. ANTONIO: -- to Your Honor.

18 THE COURT: I know your position is it's
19 frivolous.

20 MS. ANTONIO: So I am requesting your recusal and
21 I have every right to.

22 THE COURT: You're not going to get it, ma'am.
23 You are going to get your day in court.

24 MS. ANTONIO: All right, so I'm not going to get
25 it, but it doesn't matter. So then I'm going to ask another

1 judge to listen to me and ask for your recusal.

2 THE COURT: Ms. Antonio, you will have your day in
3 court. I'm going to give you your trial.

4 MS. ANTONIO: I am not going to have my day in
5 court when I'm facing something frivolous. So if they're
6 bringing that action here and they have to search every
7 single one of my accounts for plausibility without having
8 any substantial proof -- like they submit A in the
9 Complaint, there's nothing admissible in that, and they're
10 standing on what grounds?

11 THE COURT: Ma'am, that's why we have discovery,
12 that's why we have Motions for Summary Judgment.

13 MS. ANTONIO: Yes, and so when my attorneys are
14 colluding with the Solomon Law Firm and nobody's listening,
15 Your Honor --

16 THE COURT: Okay. You can complain against your
17 attorneys with the Florida Bar.

18 MS. ANTONIO: I'm not complaining.

19 THE COURT: But your attorneys --

20 MS. ANTONIO: I have.

21 THE COURT: Your attorneys should not be speaking
22 with the Solomon Law Group whatsoever. They're out of the
23 case, except Ms. Dammer was a repository for some of the
24 documents. That would be the only exception.

25 But you're going to get your day in court. You

1 even have the right to pursue a summary judgment if you
2 don't believe that they have evidence.

3 MS. ANTONIO: That's going to be filed shortly,
4 Your Honor.

5 THE COURT: I mean, I know you want to jump ahead
6 and be at the finish line, but we have to --

7 MS. ANTONIO: I am dying, Your Honor. I would
8 like to finish and go and be with my family right now --

9 THE COURT: Okay, we have --

10 MS. ANTONIO: -- because I'm not well.

11 THE COURT: We have your trial scheduled for
12 August.

13 MS. ANTONIO: That's a little too long. Can we
14 cycle it up a little -- change it so it's a little earlier
15 than that?

16 THE COURT: You two, when you talk about this --

17 MS. ANTONIO: That's fine.

18 THE COURT: When you talk about discovery, talk
19 about that too. If you can get the discovery to each other
20 more quickly, then we can maybe get the trial behind us more
21 quickly. So I think I asked you all what you thought about
22 that date and nobody really complained about it.

23 MS. ANTONIO: It's just a waste of time. Four
24 attorneys against me? For what? When I'm on social
25 security disability and there's nothing. I'm going to

1 win the lottery? I don't play the lottery.

2 THE COURT: Ma'am, you heard me say it first.

3 What's the point of this?

4 MS. ANTONIO: I told you what the point is.

5 THE COURT: Well, and I'm saying to Ms. Thompson,
6 I said: If this woman's never going to be a gazillionaire,
7 what is the point of spending all this time and money on
8 getting a simple piece of paper if you can get it? Because
9 if you don't have records showing she's an employee, then
10 it's probably more likely than not that I'm going to be
11 saying: No, that's not how she got access to these things.

12 MS. THOMPSON: Your Honor, the tax records -- the
13 only tax record that I have is a 1099. I have lots of
14 emails showing Ms. Antonio's the manager. She even asked
15 for severance when the relationship ended.

16 MS. ANTONIO: I did not ask for a severance. What
17 have your clients made up? How many false documents have
18 you submitted in the other core proceedings, Ms. Thompson?

19 THE COURT: Okay. Ms. Antonio, you may need to
20 get an expert yourself for authenticity purposes. If you
21 think something's been forged, you're going to need an
22 expert yourself.

23 MS. ANTONIO: Okay.

24 MS. THOMPSON: Your Honor, also on the docket is a
25 Motion to Enforce the Stay, filed by Ms. Antonio.

1 THE COURT: Where is that?

2 COURTROOM DEPUTY: Page 9.

3 THE COURT: Page 9. Oh, I see. It's at the
4 bottom. Okay. The stay is in effect. We are litigating
5 the adversary proceeding here. That does not violate the
6 automatic stay. So what is it that you think violates the
7 automatic stay?

8 MS. ANTONIO: Well, this is not a core proceeding.

9 THE COURT: Yes, it is. It's as core as core can
10 get.

11 MS. ANTONIO: How is it a core proceeding?

12 THE COURT: Section 523 does not exist outside of
13 a bankruptcy. The discharge --

14 MS. ANTONIO: This case is litigating. So if
15 you look at the -- I filed -- I filed, excuse me, exhibits,
16 and this case mimics, to a "t", the amended complaint on
17 State --

18 THE COURT: Ma'am, only a bank --

19 MS. ANTONIO: -- State Court claims.

20 THE COURT: Only a bankruptcy judge has
21 jurisdiction to determine if there is a 523(a)(2), (4)
22 or (6) in play. It's as core as core can get. Have you
23 looked at Rule 7001?

24 MS. ANTONIO: So in 323 --

25 THE COURT: Rule 7001, subsection (6), it's as

1 core as core can get, ma'am. Only a bankruptcy judge can be
2 doing this. It's core.

3 MS. ANTONIO: So if the State Court action is
4 not litigating a dischargeable lien claim, so how is it
5 happening when this is State Court claims of conversion,
6 unjust enrichment? How is -- how --

7 THE COURT: Okay, if you look at Section
8 523(a)(2), (4) and (6), you will see it.

9 MS. ANTONIO: I am not waiving my jury trial, so
10 how it is litigating here?

11 THE COURT: This is not anything that is jury
12 triable. It's an exception to the discharge.

13 MS. ANTONIO: First the State Court claim should
14 come to judgment before it comes to this court --

15 THE COURT: Ma'am, I'm just telling you --

16 MS. ANTONIO: -- for a discharge.

17 THE COURT: I'm telling you that it is a
18 core matter. Look at Title 28, Section 157(b)(2)(I).
19 Core proceedings include determinations as to the
20 dischargeability of particular debts.

21 Did you read that before you filed your motion?

22 MS. ANTONIO: Yes, but I have read every -- excuse
23 me, I'm just trying to find my documents.

24 THE COURT: Okay. Title 28, Section 157(b)(2)(I).

25 MS. ANTONIO: I have that in my motion as well,

1 yes.

2 THE COURT: Okay. It is a core proceeding.

3 Congress said it's a core proceeding. You can't tell me
4 it's not. All right. There's no stay violation here.

5 MS. ANTONIO: There is a stay violation here.

6 THE COURT: Okay, tell me what stay is being
7 violated. Look at 362 --

8 MS. ANTONIO: I'm just trying to find my motion
9 because it's in my motion all written out.

10 THE COURT: Ma'am, you said things in your motion
11 that just aren't accurate. You said it's not a core
12 proceeding. I just showed you where Congress said it is.

13 MS. ANTONIO: And this court has the lack of
14 subject matter -- I'm looking for one thing that I need.

15 THE COURT: It's Document 61. What part of
16 Section 362(a) do you think is being violated?

17 MS. ANTONIO: If I could have a moment so I can
18 get my documents in hand, I'd appreciate it. I'm going to
19 shoot myself; I just can't take all this anymore.

20 THE COURT: I hope you don't.

21 MS. ANTONIO: Well, I have already twice, Your
22 Honor, so I just don't feel like doing this anymore.

23 THE COURT: I hope you will contact your family --

24 MS. ANTONIO: (Crying.) I'm going to go because I
25 want to just shoot myself. I just want to shoot myself, I'm

1 so sick of it.

2 THE COURT: I hope you will contact your family
3 and tell them what you just said.

4 MS. ANTONIO: (Crying.) I want to shoot myself
5 because I don't want to do this anymore.

6 THE COURT: Ma'am, I hope that you will --

7 MS. ANTONIO: It's just like I'm in so much pain,
8 and I don't want to do this anymore. I want everyone to
9 just leave me alone and stop lying. Just leave me alone,
10 just leave me alone, just leave me alone. I just want
11 everybody to leave me alone.

12 THE COURT: I can't make them leave you alone,
13 ma'am. I can give you trial time so that you can win,
14 attempt to win.

15 COURTROOM DEPUTY: She's off the Zoom call, Your
16 Honor.

17 THE COURT: Okay. Well, this doesn't identify to
18 me what portion of Section 362(a) she believes is violative
19 of the automatic stay.

20 Are you litigating in State Court?

21 MS. THOMPSON: We're not, Your Honor. Nothing's
22 been filed in State Court since the date that the suggestion
23 of bankruptcy was filed, except the very next day we filed a
24 Notice of Cancellation of a Deposition.

25 THE COURT: Okay.

1 MS. THOMPSON: But nothing else has occurred in
2 State Court.

3 THE COURT: All right. What date did you file the
4 Complaint? You filed it very soon after the Petition was
5 filed; didn't you?

6 MS. THOMPSON: Yes, Your Honor. I believe we
7 filed it -- hold on.

8 THE COURT: All right. Well, I find that there
9 is on violation of the automatic stay. The adversary
10 proceeding is a core proceeding. It's as core as core can
11 get.

12 The Bankruptcy Court has the jurisdiction under
13 Title 28, Section 157 to conduct this proceeding. The fact
14 that it may overlap allegations that are lodged in the State
15 Court complaint does not make it non-core.

16 Indeed, frequently the core set of facts that
17 underlies a State Court suit would be the same in a
18 dischargeability proceeding, and so I deny her motion.

19 MS. THOMPSON: Should I prepare that order and
20 upload it to the Court, Your Honor?

21 THE COURT: No, we'll just do a jiffy order.

22 MS. THOMPSON: Or you'll do a jiffy order?

23 THE COURT: We'll do a jiffy order.

24 MS. THOMPSON: Thank you, Your Honor.

25 THE COURT: I don't know what there is to mediate.

1 It seems to me that this is an all-in/all-out proposition on
2 your client's part. I hope that you will --

3 MS. THOMPSON: I'm happy to mediate if you'd like
4 us to. It's whatever you think is best, Your Honor.

5 THE COURT: I mean, I do think it -- I think it
6 might, you know -- even if you all mediate a walk-away where
7 you agree to leave each other alone, that would have some
8 value, I suppose, given that apparently there are cross-
9 motions for domestic violence threats or something like
10 that.

11 Anyway, we'll see how it plays out. If you all
12 want to go visit with Kelly Petry, that's fine. I've even
13 asked Judge Delano if she would take a look at this and
14 potentially mediate it.

15 MS. THOMPSON: Yes, Your Honor.

16 THE COURT: All right. So we'll reschedule the
17 motion regarding what you want from her and what she wants
18 from you for a couple weeks. You all talk this week,
19 please.

20 MS. THOMPSON: Yes, Your Honor.

21 THE COURT: Do you happen to know who her
22 relatives are?

23 MS. THOMPSON: I know her domestic violence
24 advocator. I can reach out to her and let her know what she
25 said over the phone.

1 THE COURT: No. You need to give that information
2 to me so that I can reach out and say that she had a
3 negative reaction in court today that included threats
4 that she might shoot herself.

5 MS. THOMPSON: Yes, Your Honor. Let me get her
6 phone number for you. One second. Her name is Karen
7 McHugh, M-c-H-u-g-h. Her phone number is 727-895-4912,
8 extension 133. And her cell phone number is 727-325 --

9 THE COURT: That's okay, I don't need that.
10 I don't need the cell phone number. I'm going to --

11 MS. THOMPSON: I get the feeling that she works
12 remotely.

13 THE COURT: I'm going to --

14 MS. THOMPSON: I'm not positive on that.

15 THE COURT: I'm going to research whether I can
16 even make such a call but I don't think that the Debtor
17 heard me say I hope she'll reach out to her family to tell
18 her what she just said.

19 MS. THOMPSON: Would you like me to reach out to
20 Ms. McHugh?

21 THE COURT: I don't think that that would be a
22 good move either.

23 MS. THOMPSON: Okay. And I know that there have
24 been complaints to the Bar Association against all of the
25 attorneys involved or that have been involved, so I am

1 trying to be cautious in the case.

2 THE COURT: That's her right to do that. Okay.

3 MS. THOMPSON: Yes, Your Honor.

4 THE COURT: All right, well, we'll conclude the
5 case and Ms. Arciola can look for a date and send out a
6 notice of continued hearing. All right, thank you all.

7 MS. THOMPSON: Thank you. Appreciate your time.

8 THE COURT: And then go ahead and file your
9 objection; would you?

10 MS. HERENDEEN: I can file a formal objection and
11 perhaps submit an agreed order with Ms. Thompson that it'll
12 be resolved through the adversary.

13 THE COURT: Yes. Okay, thank you.

14 MS. HERENDEEN: Thank you, Your Honor.

15 MS. THOMPSON: Thank you, Your Honor.

16 (Proceedings adjourned at 12:10 p.m.)

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CERTIFICATE

This certifies that the foregoing constitutes the official verbatim transcript produced to the best degree possible, on an expedited basis, from the FTR digital recording, and/or MP3 backup, and/or telephonic audio recording, as recorded, logged, maintained, and provided by court staff.

I further certify that I am neither counsel for, nor related to, nor an employee of any of the parties to the action in which this hearing was taken and, further, that I have no personal interest in the outcome of the action.



Cheryl Culver
Certified Court Reporter

June 18, 2021

Date

For Johnson Transcription Service
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