

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:)	
)	
KEVIN B. DEAN,)	Chapter 11
)	Case No. 20-20427
Debtor.)	
<hr/>)	
KEVIN B. DEAN,)	
)	
Plaintiff,)	
)	
vs.)	Adv. Proc. 21- ____
)	
EMILE CLAVET,)	
)	
Defendant.)	

**COMPLAINT FOR DECLARATORY JUDGMENT
RELATING TO DISCHARGEABILITY OF A DEBT**

Kevin B. Dean (“Dean”), by and through the undersigned counsel and pursuant to Federal Rule of Bankruptcy Procedure 7001 and D. Me. LBR 7001-1 *et. seq.*, brings this Complaint For Declaratory Judgment Relating To Dischargeability Of A Debt (the “Complaint”) against Emile Clavet (“Clavet”).

Jurisdiction and Venue

1. On November 20, 2020, Dean filed a voluntary petition under Subchapter 5 of Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et. seq.* (the “Code”), thereby commencing a Chapter 11 bankruptcy case (the “Chapter 11 Case”) before this Court.

2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157(a) and 1334(b), and D. Me. Civ. R. 83.6(a), pursuant to which all cases filed in Maine under

the Code and civil proceedings arising under the Code or arising in or related to cases under the Code are referred to the bankruptcy judges of this district.

3. Venue of the Chapter 11 Case in this Court is proper pursuant to 28 U.S.C. § 1409(a).

4. This is a core proceeding as defined in 28 U.S.C. § 157(b)(2)(I). This adversary proceeding is a core matter over which the Court may exercise jurisdiction in accordance with the provisions of the foregoing sections of Title 28 of the United States Code.

Parties

5. Dean, an individual residing in the State of Maine, is the Debtor in the Chapter 11 Case.

6. Clavet, an individual residing in the State of Maine, is an unsecured creditor in the Chapter 11 Case.

Facts

7. On December 14, 2020, Clavet filed his Motion To Dismiss Chapter 11 Case Or, In The Alternative, Convert Case to Chapter 7 (the “MTD”), in the Chapter 11 Case.

8. In the MTD, Clavet alleges, among other things, that certain amounts claimed to be owed by Dean to Clavet (the “Clavet Claims”) are nondischargeable pursuant to § 523(a)(2) and (a)(4) of the Code.

9. In the MTD, Clavet indicates that he will commence a nondischargeability action against Dean under § 523(a)(2) and (a)(4) of the Code regarding the Clavet Claims.

10. The Clavet Claims are presumed to be dischargeable, and so Clavet bears the burden of proving that the Clavet Claims should not be discharged under § 523(a).

11. Dean denies that any debt held by Clavet is nondischargeable under § 523 or any other section of the Code.

12. Without limiting the generality of the foregoing, the facts do not support Clavet's assertions that the Clavet Claims are nondischargeable pursuant to § 523(a)(2) and (a)(4) of the Code, or pursuant to any other provision of the Code.

Request For Declaratory Judgment

13. Dean restates and realleges, as if fully set forth herein, each and every allegation of the Complaint set forth above.

14. Dean is entitled to declaratory relief; to wit, the declaration of this Court that the debt held by Clavet is dischargeable in full.

WHEREFORE, Dean respectfully requests that the Court enter an order:

- (a) finding, determining and declaring that the Clavet Claims are dischargeable in their entirety; and
- (b) granting such other relief as the Court deems just and appropriate.

Dated: January 5, 2021

/s/ George J. Marcus

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