

Karen opposed David's motion and counterclaimed against David, seeking a declaration that the child support indebtedness was not dischargeable in bankruptcy. In September 1998, the Bankruptcy Judge denied David's motion to vacate the wage assignment order and granted Karen's Counterclaim (declaring non-dischargeable David's debt on the child support). David appealed the Bankruptcy Judge's Order to this District Court pursuant to **28 U.S.C. 158(a)**. On January 19, 1999, this Court rejected David's appeal and affirmed the Bankruptcy Judge's September 1998 Order.

Now before the Court is David Hopkins' January 29, 1999 "motion for rehearing" (Doc. 9). The motion seeks reconsideration of this Court's January 19th Order affirming the Bankruptcy Court decision. Specifically, David asks this Court to reverse its conclusions that his post-petition income was not part of the bankruptcy estate and that Karen did not willfully violate the automatic bankruptcy stay.

David's motion rehashes issues already decided (and arguments already rejected) by the Court (e.g., whether Karen willfully violated the automatic stay by refusing to "release said withholding order or file a modification as allowed under Missouri law" (Doc. 9, p. 2)). Having reconsidered the record before it, the Court still does not find reversal of the

Bankruptcy Court warranted. Additionally, as this Court noted in its January 19th Order, the very issue upon which David's appeal was based appears now to be moot. The relief sought by David in this bankruptcy appeal was vacation or release of the state court wage assignment order. As of the date this Court drafted its Order denying such relief, the wage assignment order was no longer in effect, as David had switched jobs. For all these reasons, the Court **DENIES** David's "Motion for Rehearing" (Doc. 9).

On February 3, 1999, Karen asked this Court to correct one figure quoted in the January 19th Order. Page 2 of the January 19th Order (Doc. 8) notes that as of the date he filed his Chapter 13 petition, "David owed Karen \$12,464 in back child support." Karen asserts that David actually owed \$18,560, "said amount was confirmed by U.S. Bankruptcy Judge Gerald D. Fines," and said amount "is" currently owed by David to Karen (Doc. 10). This Court neither stated the amount *currently owed by David* nor altered any amount *confirmed* by Judge Fines in the bankruptcy proceedings. Therefore, the January 19th Order does not require amendment.

At the time he filed his Chapter 13 petition, David owed Karen at least \$12,464 in back child support. \$12,464 (not \$18,560) appears repeatedly in the bankruptcy pleadings provided

to this Court as part of the record on appeal. \$12,464 was listed on the Chapter 13 Plan. Various larger child support arrearage figures appear throughout the record before this Court, such as \$18,975.69 "Total Due as of 7/30/98" and \$18,207.00 (reflected in the February 1996 St. Louis County contempt order). Judge Fines' September 21, 1998 Opinion and his September 21, 1998 Order do not specify a back child support amount or the amount of interest due on delinquent child support, although they do refer to \$2000 in attorneys' fees and \$268 in court costs owed by David.

This Court mentioned the \$12,464 figure only in outlining the facts underlying this appeal. The Court did not *find* that this is the total amount due to Karen, *suggest* that David's entire child support arrearage (with interest) totaled \$12,464, *order* David to pay only \$12,464, or *modify* any amounts confirmed in the Chapter 13 proceeding. The Court declines to change its Order as urged by Appellee, Karen Floyed, and **DENIES** her February 3rd motion to amend (Doc. 10).

IT IS SO ORDERED.

DATED this 25th day of February, 1999.

/s/ PAUL E. RILEY
United States District Judge