

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>DEBORAH A. (LINN) THOMAS,</b>	:
<b>Plaintiff</b>	: <b>No. 91-21,700</b>
	:
<b>vs.</b>	:
	:
<b>HEISTER H. LINN, JR.,</b>	: <b>Petition for Contempt</b>
<b>Defendant</b>	:

**ORDER**

AND NOW, this 1<sup>st</sup> day of May, 2000, after consideration of the parties' letter briefs regarding the applicability of the automatic stay provisions of 11 U.S.C. §362, the Court finds the stay is inapplicable in this case. The Bankruptcy Court entered an Order upon the stipulation of counsel for both parties that provided relief to Deborah Thomas from the stay under §362 to pursue any lawful and appropriate state court remedies with respect to post-petition arrearages in support obligations owed to Ms. Thomas and her children. Litigants can seek numerous remedies in state court for a party's failure to pay his or her support obligations, including the imposition of counsel fees. Dr. Linn failed to pay his support obligations to Ms. Thomas and her children. This resulted in a post-petition arrearage of approximately \$19,000. Ms. Thomas filed a contempt petition which sought, among other things, an award of counsel fees. In its Order dated March 10, 1999, the Court found the defendant in contempt. One of the remedies granted to plaintiff was an award of counsel fees. Since the award of counsel fees is a lawful and appropriate state court remedy for a party's failure to pay his or her support obligations, it is within the relief granted from stay in the Bankruptcy Court's order dated

April 27, 1998 and Dr. Linn is required to pay the \$3046 in question.<sup>1</sup> Thus, the Court finds Dr. Linn in contempt for failure to pay the attorney fee of \$3,046.00 by October 1, 1999.

Accordingly, it is ORDERED and DIRECTED that Dr. Linn pay the attorney fee of \$3,046.00, as previously ordered, within sixty (60) days of today's date or July 3, 2000. The Court will not impose additional sanctions if payment is made as ordered.<sup>2</sup> However, if payment is not made as ordered, counsel for Deborah A. (Linn) Thomas may notify the Court in writing, and the Court will set up a hearing to consider additional sanctions.

By The Court,

---

Kenneth D. Brown, J.

cc: Joy Reynolds McCoy, Esquire  
Thomas James, Esquire  
Family Court  
Warden

---

<sup>1</sup>The Court also questions whether Dr. Linn has waived this issue by failing to object to this relief at the time it was requested or seeking reconsideration of the Court's March 10, 1999 on the basis such an award violated the automatic stay provisions of the Bankruptcy Code.

<sup>2</sup>The Court is refraining from imposing sanctions such as incarceration with a purge payment in the amount of the attorney fee owed at this time because of Dr. Linn's health concerns. The Court is hopeful that there will be compliance as ordered and no further need for consideration of additional sanctions.