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ATTORNEY FOR DEBTORS AND PLAINTIFFS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

**ROBERT HALE and
MERCEDI HALE,**

Debtors.

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**CASE NO. 12-31771-sgj
CHAPTER 7**

**ROBERT HALE and
MERCEDI HALE,**

Plaintiffs,

vs.

**GREAT LAKES, KEYBANK USA,
SALLIE MAE, UNIVERSITY OF
NEVADA and US DEPARTMENT
OF EDUCATION/GLELSI,**

Defendants.

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Adversary No. _____

**COMPLAINT TO DETERMINE DISCHARGEABILITY
OF STUDENT LOAN DEBTS**

**TO THE HONORABLE STACY G. JERNIGAN,
UNITED STATES BANKRUPTCY JUDGE:**

ROBERT HALE and MERCEDI HALE, Debtors and Plaintiffs herein, file this their
Complaint to Determine Dischargeability of Student Loan Debt pursuant to 11 U.S.C.
§ 523(a)(8) and state:

I.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Complaint pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (I) and (O).
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1409.

II.

PARTIES

3. Plaintiffs are individuals and Chapter 7 Debtors in the above referenced bankruptcy case.
4. Defendant Great Lakes (“Great Lakes”) may be served with process by serving James L. Preston, President or other officer, 1200 N. 7th Street, Harrisburg, PA 17102-1419.
5. Defendant KeyBank USA (“KeyBank”) may be served with process by serving its agent for service, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.
6. Defendant Sallie Mae (“Sallie Mae”) may be served with process by serving its agent for service, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.
7. Defendant University of Nevada (“University of Nevada”) may be served with process by serving its agent for service, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.
8. Defendant US Department of Education/GLELSI (“Department of Education”) may be served with process by serving its agent for service, Corporation Service Company d/b/a

CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

III.

FACTUAL BACKGROUND

9. On March 23, 2012 (“Petition Date”), Robert Hale and Mercedi Hale (“Debtors”) filed their voluntary petition for relief under Chapter 7 of Title 11 of the United States Code (the “Bankruptcy Code”).

10. Plaintiffs are obligated to Great Lakes for student loans in the estimated amount of \$302,681.11.

11. Plaintiffs are obligated to KeyBank USA, for student loans in the estimated amount of \$11,792.17.

12. Plaintiffs are obligated to Sallie Mae, for student loans in the estimated amount of \$58,032.72.

13. Plaintiffs are obligated to University of Nevada, for student loans in the estimated amount of \$5,000.00.

14. Plaintiffs are obligated to US Department of Education/GLELSI, for student loans in the estimated amount of \$95,748.00.

15. Plaintiffs Robert Hale and Mercedi Hale are currently unemployed. Mr. Hale was six weeks away from completing his Endodontic Residency when he suffered an arteriovenous malformation (“AVM”) rupture and stroke which required brain surgery and hospitalization for 1-1/2 months. Mr. Hale is permanently disabled and requires extensive cognitive rehabilitation along with speech, occupation and physical therapy. His doctors do not believe that he will ever

be able to practice his chosen profession of Endodontics on a full-time basis, the profession for which the student loans were incurred.

16. Plaintiffs have two minor children. Their current household income is approximately \$3,954.00 per month. See Schedule I and J. Plaintiffs' only income is from private disability insurance payments and Social Security disability income each month. Plaintiffs do not anticipate their financial position will improve substantially in the near future. Failure to discharge the above referenced debts will impose an undue hardship on the Plaintiffs and the Plaintiffs' dependents.

IV.

REQUEST FOR RELIEF

17. Plaintiffs incorporate the allegations contained in paragraphs 1 through 15 herein.

18. Student loans are excepted from discharge "unless excepting such debt from discharge under this paragraph will impose an undue hardship on the debtor and the debtor's dependents." 11 U.S.C. § 523(a)(8).

19. Plaintiffs request that the Court determine that the debts owed to the above named Defendants are discharged pursuant to Section 523(a)(8) because excepting such debt from discharge will work an undue hardship on Plaintiffs and Plaintiffs' dependents.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request the Court enter judgment (i) determining that the debts owed to the above-named Defendants are discharged pursuant to Section 523(a)(8); and (ii) granting such other and further relief to which Plaintiffs may show themselves justly entitled.

Dated: June 21, 2012.

Respectfully submitted,

/s/ Joyce Lindauer

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From Article at GetOutofDebt.org