

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION
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IN RE:

BRETT STEVEN KISLIN

LEAD CASE NO.: 12-15011 JKO

Debtor/Plaintiff,

v.

CHAPTER 7

U.S. DEPARTMENT of
EDUCATION

Defendant.
_____/

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN

Debtor, BRETT STEVEN KISLIN (“Debtor”), filed this case under Chapter 7 on February 29, 2012. This Court has jurisdiction over this action under 28 U.S.C. § 1334 and 11 U.S.C. 523. This proceeding is a core proceeding.

1. One of the unsecured debts owed by the Debtor and listed on ‘Schedule F’ of Debtor’s bankruptcy schedules is a student loan owed to the U.S. DEPARTMENT of EDUCATION (“Student Loan”).

2. This loan was incurred to pay Debtor’s educational expenses, which began over 30 years ago.

3. After completing his undergraduate curriculum, obtaining his masters degree in chemistry at California State University, Long Beach and completing all but his thesis for his doctorate in chemistry (at University of California, Santa Cruz) the Debtor was unable to complete his doctoral thesis after 9 years due to health and psychological problems.

4. The Debtor gained but did not retain employment in several positions following his studies but never gained employment in his field of study. The Debtor has not been

employed on a full time basis since December 2009 and has never maintained a position that paid him a sufficient wage to enable him to repay the Student Loans while maintaining even a minimal standard of living.

5. The Debtor was diagnosed with multiple psychological ailments that were causing his inability to function as a student and later as an employee and eventually resulted in the termination of his most recent full-time employment.

6. Given Debtor's employment history and the unresolved status of his psychological ailments, Debtor has not been able to secure gainful employment and is dependent on financial support from his parents.

7. Based on Debtor's current income and expenses, the Debtor cannot maintain a minimal living standard and repay his student loan. He presently has no source of income other than unemployment compensation and family support.

8. The Debtor has been diagnosed as having a history of bipolar disorder and hypothyroidism. He experienced his first psychotic episode at age 17 while an undergraduate at Emory University. He is now 50 years of age. He has been treated in numerous psychiatric facilities over the years including several recent episodes where he was sent by Baker Act to confined facilities. He was last hospitalized at the Aventura Hospital and Medical Center for six days in 2010. Given his current diagnosis and lack of employment his poor financial condition is likely to continue for the remainder of his life.

9. The Debtor has made a good faith effort to repay the Student Loan including payments of \$50.00 per month while employed for a number of years.

10. Excepting Debtor's student loan from discharge will impose an undue hardship on the Debtor.

11. The Debtor has filed for bankruptcy for reasons other than discharging the student loan.

WHEREFORE, Debtor, BRETT STEVEN KISLIN, requests this Court enter an order declaring his student loan debt from the U.S. DEPARTMENT of EDUCATION to be dischargeable and any further relief the Court deems just and proper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida, and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A); and that a true copy of the above document was filed electronically and served via CM/ECF and by mail to attached service list to all parties of interest on this 15th day of March, 2012.

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