

Below is the Order of the Court.



*Paul B. Snyder*

**Paul B. Snyder**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

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IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re: )  
 )  
Caroline Rachel Suissa-Edmiston, )  
 )  
Debtor. )

Case No. 11-50065

Caroline Rachel Suissa-Edmiston, )  
 )  
Plaintiff. )

Adversary No. 12-04083

**STIPULATION AND  
JUDGMENT OF FULL DISCHARGE  
OF STUDENT LOANS AS TO  
U.S. DEPARTMENT OF EDUCATION  
AND ACCESS GROUP, INC.**

v. )  
 )  
Access Group, Inc.; American Education Services; )  
U.S. Department of Education; Xpress Loan )  
Servicing; National Collegiate Trust; )  
FCDB NPSL Trust 2010-1, )  
 )  
Defendants. )

COMES NOW the Debtor, by and through counsel, Brett L. Wittner and Kent & Wittner, P.S., U.S. Department of Education, by and through counsel, Christina N. Dimock, Assistant United States Attorney, and Access Group, Inc., by and through counsel, James W. Shafter and stipulates as follows:

**STIPULATION AND JUDGMENT  
DISCHARGING STUDENT LOANS -1**

**KENT & WITTNER, P.S.**  
**ATTORNEYS AT LAW**  
4301 S. Pine, Suite 629  
Tacoma, WA 98409

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FACTS

1. Debtor filed for Chapter 7 bankruptcy on December 30, 2011. Debtor received a general discharge on April 10, 2012.

2. Debtor filed an adversary proceeding on March 1, 2012 against the above named defendants seeking discharge of her student loans. A discharge order was entered against all defendants except U.S. Department of Education and Access Group, Inc. on April 25, 2012.

3. At the time of filing, debtor owed approximately \$130,820.00 in student loans to the U.S. Department of Education and approximately \$28,229.00 in student loans to Access Group, Inc.

ARGUMENT

The debtor, through counsel, asks the Court to enter an Order discharging the student loans owed to U.S. Department of Education and Access Group, Inc. In order to receive a discharge of her student loans debtor must show (1) that the debtor cannot maintain, based on current income and expenses, a "minimal" standard of living for herself and her dependents if forced to repay the loans; (2) that additional circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period of the student loans; and (3) that the debtor has made good faith efforts to repay the loans, *Brunner v. New York State Higher Education Services Corp.*, 831 F.2d 395, 396 (2d Cir. 1987). This test was adopted in the 9<sup>th</sup> Circuit, *United Student Aid Funds, Inc. v. Pena (In re Pena)*, 155 F.3d 1108, 1114 (9th Cir.1998).

Based on debtor's leukemia and worsening medical condition, debtor believes she has met these conditions.

ORDER

Based upon the foregoing information and the stipulation of the parties as set forth below, and the Court being fully advised in the premises, it is hereby:

ORDERED that said student loan debts owing to U.S. Department of Education and Access Group, Inc. are discharged in full. It is further

ORDERED that each party shall bear the costs of their own attorney fees and costs.

///End of Order///

1 Presented by:  
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3 /s/ Brett L. Wittner

4 Brett L. Wittner, WSBA # 27657

5 Attorney for Plaintiff/Debtor  
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7 /s/ Christina N. Dimock

8 Christina N. Dimock, WSBA #40159

9 Assistant United States Attorney

10 Attorney for U.S. Department of Education  
11

12 /s/ James W. Shafer

13 James W. Shafer, WSBA #8011

14 Attorney for Access Group, Inc.  
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**STIPULATION AND JUDGMENT  
DISCHARGING STUDENT LOANS -3**

**KENT & WITTNER, P.S.  
ATTORNEYS AT LAW  
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Tacoma, WA 98409**