

**United States Bankruptcy Court
Western District of Wisconsin**

Cite as: [Unpublished]

**Emily Garton, Plaintiff, v.
Martin J. Zoglman, Defendant**
(In re Martin J. Zoglman, Debtor)

Bankruptcy Case No. 86-00502-7, Adv. Case. No. A86-0144-7

United States Bankruptcy Court
W.D. Wisconsin, Eau Claire Division

December 5, 1986

Terrence J. Byrne, Wausau, Wis., for plaintiff.
Michael M. Rajek, for debtor/defendant.

Thomas S. Utschig, United States Bankruptcy Judge.

**MEMORANDUM OPINION, FINDINGS OF FACT,
AND CONCLUSIONS OF LAW**

Emily Garton (plaintiff), by Terrence J. Byrne, has initiated this adversary proceeding pursuant to 11 U.S.C. § 523(a) and Bankruptcy Rule 4007 seeking to except a debt from discharge. The debtor appears by Michael M. Rajek and contests the complaint. The debtor also filed a motion to dismiss the complaint on July 7, 1986, alleging that: 1) the complaint does not state a cause of action upon which relief can be granted; 2) the complaint was untimely filed; and 3) the complaint was without legal basis and insufficient as a matter of law.

A telephonic conference for this proceeding was scheduled and held on July 10, 1986, wherein the parties were ordered to submit legal memoranda supporting their respective positions. The debtor has failed to timely comply with this court directive. Therefore, the debtor's motion to dismiss is denied.

This opinion shall constitute findings of fact and conclusions of law in accordance with Bankruptcy Rule 7052.