

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-16392

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 9, 2011 JOHN LEY CLERK
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D. C. Docket Nos. 09-21903-CV-CMA, 06-15417 BKC-RA

In Re: MYRON ORLINSKY

Debtor.

PETER PATRAKA,

Plaintiff-Appellant,

versus

MYRON ORLINSKY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(March 9, 2011)

Before TJOFLAT, BARKETT and FAY, Circuit Judges.

PER CURIAM:

Appellant sued appellee in state court and obtained a \$6 million dollar judgment which was appealed without a supersedeas bond. Apparently a business arrangement had gone sour and, thus, this conflict arose between brothers-in-law. While the matter was on appeal appellant attempted to execute the judgment with no success. He then filed a petition for involuntary bankruptcy against appellee. During the pendency of the bankruptcy case, the state court judgment was reversed. The Bankruptcy Court, sua sponte, dismissed the bankruptcy proceeding. Appellee then sought costs and attorneys' fees which were granted pursuant to Section 303(i)(1) of the U.S. Bankruptcy Code. This was done by way of an oral ruling delivered after a hearing before the Bankruptcy Judge.

On appeal to the United States District Court, appellant urged reversal on multiple grounds. The District Court reviewed the matter in detail and entered a very comprehensive order affirming the ruling by the Bankruptcy Court. After reviewing the briefs and record and hearing the argument of counsel, we affirm the ruling of the Bankruptcy Court for the reasons set forth in the ORDER of the District Court dated December 8, 2009.

AFFIRMED.